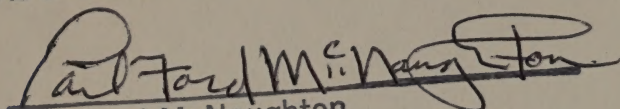


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# TRUE STORY OF APACHE KID

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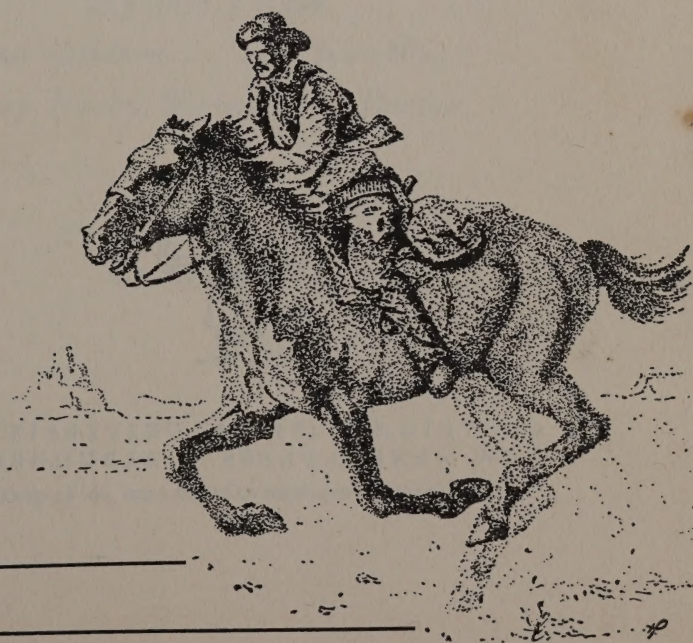
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University of New Mexico Press, Albuquerque

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JESS G. HAYES

# Apache Vengeance



1954





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*Dedicated*  
*to*  
*My wife, Vivian*  
*My four children . . . the four B's . . .*  
*Betsy, Bucky, Barbara, and Burton*



*They nourished my desire*  
*to write this book*







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## *Foreword*

APACHE VENGEANCE is a more timely book than may be apparent to the average reader. We who live today in Apacheland are acutely aware that, although the conflict between Indian and white citizens is no longer waged with bullets, our differences have by no means been satisfactorily resolved. It is a time when an objective approach to the recording of events of yesterday can contribute to a desirable objectivity in facing unresolved problems of today.

The period when "the winning of the west" was the major pursuit of adventurers, honest settlers, and the United States Army was a time of grim struggle for all participants. By the very nature of the conflict the situation was replete with elements that ultimately reduce all warfare to savage combat between opposing forces, with no holds barred.

The incursion of white men into lands which for centuries had been the natural habitat of their forbears brought out the elemental savagery in the Indians defending their homeland. It is an instinct inherent in all peoples. The brutality of Apache reprisals merely corroborated the white man's preconceived opinion that all Indians were savages. That they had an historical, cultural, and ethnic background evolved through centuries was unrecognized by the invaders—nor would it have made any difference to them, at that time, in their determination to wrest this rich frontier land from its original settlers.

The true and alleged exploits of Apache Kid have provided unlimited material for yarn spinners and fiction writers since 1889. Yet, no tale created out of the imagination can surpass in dramatic content and provocative overtones the documented story presented here. The author's approach has been that of the historian. Clearly, Mr. Hayes has the historian's urge to ferret out facts but, happily, there is no academic sterility in his marshaling of his findings.

The time he devoted to research during the past ten years obviously was well spent, for every page of his book bears witness to diligent and patient search through state and national archives, old newspapers, private and state letters, court records, and

prison files; of journeys to photograph historic spots and to talk with pioneers and children of pioneers; of laborious delving into obscure corners for the small fact that might throw more light on these stirring events and the people who lived them.

In the fiction field — including the movies — “westerns” have achieved a new and mounting popularity surcharged with sensationalism, but the dearth of authentic accounts of frontier life in Old Arizona is lamentable, the more so because the number of men and women still living who participated in those tempestuous days is diminishing rapidly.

It was not by accident that Jess Hayes gathered so much valuable material first hand from both Apache and white principals in the drama of frontier life in Gila County. Born in Globe, son of a pioneer cattleman, the author has lived among Apaches all his life and his lively interest in his home town's early days impelled him to seek out survivors of that colorful era and get his history from the people who helped to make it. Consequently, Jess Hayes's mind and his notebooks are a storehouse of historical data from which we hope there will emerge more books which, like *APACHE VENGEANCE*, will illumine the fast-fading past of “Hell's Forty Acres,” as Globe was called when it was the cockpit of Apacheland uprisings.

*APACHE VENGEANCE* is not meant to be either an



indictment of the *modus operandi* of the invading white men or an apology for the savagery of the defending Apaches in the events related in this narrative. It is an attempt to present those particular incidents, in which Apache Kid was involved, with attention to the hitherto-neglected circumstances that contributed to the metamorphosis of Apache Kid from a trusted scout to a hunted renegade. Other characters and events included are all relevant to the main theme, inasmuch as they had an important part in influencing the thinking and the behavior of both the white men and the Apaches. Furthermore, they constitute, in their own right, authentic episodes in the stirring history of frontier days in this section of Arizona.

JAN PAUL

Globe, Arizona

February 20, 1954



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## *Preface*

APACHE VENGEANCE is a documented narrative of Arizona during the period of frontier life when events of human experience ran the gamut from good to gruesome, and where daily happenings would make typical Hollywood scenarios.

The dialogue is based upon my observation of hundreds of official records, the reading of numerous newspaper accounts and personal letters, and many conversations with people who lived during these hectic days and said, "This is the way it happened." Two white characters of the story are living as of this date (February, 1954), and they have supplied a wealth of information for the dialogue. Two deceased Apaches, who knew practically every Indian character of the story, also have contributed

information to substantiate the dialogue. The names of these four informants and a more detailed description of them appear in the acknowledgments.

I had four reasons for writing this story. First, I had the desire to write a book; second, I believe the accounts of the incidents, as related here, are worthy of preservation; third, it is hoped that this will be the means of carrying "the story of Globe around the globe"; and, fourth, the book was written under the assumption that a large number of school children will read it, and, accordingly, I have avoided the use of obscene descriptions and the foul and coarse language which often appear in writings about the old West.

The setting of most of the story is Globe, an isolated mining camp located in the east-central part of Arizona.<sup>1</sup> Originally on the San Carlos Apache Reservation, the Globe camp was opened to mining in 1873, after the American prospectors had gained a footing in the wild, Apache-infested territory.

By the time the camp had been established, the government had rounded up some five thousand warriors of mixed tribes and attempted to locate them on the San Carlos Reservation, with head-



1. The camp got its name by a freak of nature when a prospector found a globe-shaped boulder of almost pure silver, weighing in excess of seventy pounds. This huge nugget had surface scars upon it which resembled the continents of the globe. Apaches called Globe "*Besh-Ba-Gowah*," meaning "The Metal Village."



quarters at the San Carlos post, situated near the confluence of the San Carlos and Gila rivers, thirty-five miles southeast of Globe. The reservation offered little attraction to these Indians, who, from the day of their birth, were nomads. In this semi-desert area, among cactus, catclaw, sagebrush, greasewood, and mesquite, even the sly coyote would not have dwelt too long.

The bringing together of all the various tribes did not make a united people. Some bands were afraid of others, which brought about suspicion and mistrust among them. They had little in common except their hatred of the white man. Each group loved its native environment; and, despite the effort of the military, Indian police, and Apache scouts, many stole away and attacked settlers.

While the military was having trouble keeping the Indians subdued, the Globe camp bustled with activity despite the Apache menace. Miners had rushed in to stake out rich silver claims, and cowboys had driven their herds to graze on the luxuriant grasslands.

These pioneers clamored for local government. Accordingly, a territorial legislature organized Gila County<sup>2</sup> in 1881 and designated Globe as the county seat. It fell to the lot of Gila County to have



2. Pronounced Heé-la.

a large portion of the San Carlos Reservation, including the San Carlos post, within its boundaries.

The Indian situation got so desperate in the 1880's that a number of white people advocated the passage of a law offering a bounty of \$100 for each Indian killed off the reservation. The scalp, together with the left ear, would be sufficient evidence. The law was not passed.

The climax came when Chief Geronimo broke his promises to behave himself and stole away from San Carlos, in 1886, carrying on forays extending as far away as Mexico. Citizens demanded that the military do something about it, and this story opens with the exiling of Geronimo and his warriors.

JESS G. HAYES

Gila County School Superintendent  
Globe, Arizona  
February 20, 1954



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## *Acknowledgments*

FOR ASSISTANCE in preparing this historical material the author is indebted to the following:

Jan Paul, for thorough and painstaking criticism of the manuscript.

Floyd Blevins, one of the two characters of the story now living (1954), and probably the last survivor of the hundreds of troops and civilian officers who pursued Apache Kid. He is the key informant and much of the dialogue is based upon his statements and descriptions.

Bess Reynolds Hollowell, the other character of the story who lives as of this date (1954), for pictures and information relating to her father and other members of her family, including direct quotations attributed to her parents.

Jimmy Stevens, a half-breed. Born in 1869, at Fort Goodwin, Arizona, one of the earlier garri-sons in Apache country, Stevens was the son of George H. Stevens, a Massachusetts Yankee, and Nah-lin-des-tow-he, a San Carlos Apache woman. George H. Stevens was elected first sheriff of Graham County in 1881, and moved his family to the county seat at Solomonville. Shortly after establishing their new home, the mother became ill and called Jimmy and her younger son, Billy, to her bedside and told them in Apache that she was dying. "After I am gone," she said, "your father probably will remarry, and, if he does, it is my wish that you return to San Carlos and live with my people."

Abiding by the mother's wishes, the Stevens brothers returned to the reservation and grew up with the Apaches, after their father had married again. Jimmy Stevens knew every San Carlos Apache mentioned in this story and supplied information about these people. He died at San Carlos October 17, 1947, and was buried alongside his mother in Solomonville.

Oliver Belvado, deceased (1952), fullblood Apache scout. Born at San Carlos in 1866, Belvado enlisted as a government scout under Al Sieber, and scouted with Apache Kid and other scouts. He was present at Bowie in 1886, when Geronimo was exiled. Many times Belvado told the author about



Apache Kid and other Apache renegades. He never got in any trouble like some of his fellow scouts and always was a hard worker and energetic.

The author attended the funeral services of Belvado in the school auditorium at San Carlos amidst a throng of Apaches. While the Rev. Alfred Uplegger spoke the final rites, Belvado lay in a \$1,700 casket. Friends of Belvado were surprised when appraisers revealed that he had left an estate of more than \$50,000 in government bonds, cash, and other property.

The late Hattie Middleton Allison, sister of Eugene Middleton, for supplying information about Middleton.

F. Uplegger, veteran Lutheran missionary at San Carlos, for research on Apache characters in this account.

Dorma Lee Snow, Pauline Perry, Gertrude Wrigley, Charlotte Edwards, and Marcella Joggerst, for typing numerous revisions of the script during the ten years the author worked on it.

Pearl Voris, Lois Greer, John Conteras, Clara Woody, and Ruth Plaisted, for pictures.

Arizona State Library and Archives, Phoenix, Arizona.

Library of Congress, and the old-files division of the Interior, War, State, and Justice departments, Washington, D. C.

Wardens of the southern Illinois state penitentiary, Menard, Illinois, and the Ohio penitentiary, Columbus, Ohio.

Clerk of the United States District Court, Phoenix, Arizona.

The Gila County recorder's office, the board of supervisors' office, and the clerk of the court's office, for permission to search their records and files.


P. A. Phillips, for research concerning the Yuma prison.

Charley Curnow, for use of historical scrapbooks.

Ray E. Metz, for copyreading the manuscript.

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# APACHE VENGEANCE

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JESS G. HAYES







## *Exile*

ON A HOT DAY in early September, 1886, scores of Apaches were guarded by the military at Bowie, situated in the southeast section of Arizona. They waited for a special Southern Pacific passenger train coming from Tucson to transport them out of the country. The leader of the captive tribesmen was Geronimo. General Nelson A. Miles commanded the army.

A few days before, after the warriors had been coaxed out of Mexico, Miles and Geronimo had met at Skeleton Canyon, where surrender terms were completed. The general found himself in a precarious position, because citizens of Arizona, clamoring for vengeance, were demanding that the old chieftain and his leaders be tried in the civil

courts and be executed in accordance with the law; but under the surrender terms, Geronimo had stipulated that he and his followers were not to be turned over to civil authorities. (See Appendix IX.)

Miles was forced to expediency. Fully realizing the danger of delay, he telegraphed the war department and President Cleveland that unless ordered to the contrary he would protect the Indians from an incensed citizenry by starting them at once to Florida, where they were to be confined in a strange land and would not be likely to run away.

Suspense subsided when the five-car train arrived. In addition to the thirty-eight members of Geronimo's gang—twenty-four men and fourteen women and children—Indian scouts and the army had brought in another sixty or more undesirable Apaches for the same trip.

The first car contained the kitchen and dining facilities. The second carried the guards. The third and fourth accommodated the motley undesirables, and the last was reserved for Geronimo and his followers. Loading of the train was orderly except for one member of Geronimo's party, Ma-si,<sup>1</sup> who ve-



1. This Apache's name has been spelled several ways, Massai, Massey, Masse, and Ma-si being among them. The few living persons who had experiences with him, and the latest official records, refer to him by the latter name.

hemently protested being shipped out of the country of his birth—a place he loved and where he roamed at will until the white man came and changed his way of life.

The train was loaded, with the armed infantry guards occupying their posts in the cars. The telegraph spread the news to the nation that Indian warfare had come to an end. The cavalry, Apache scouts, and Indian police—all those who took part in this big roundup of Apaches—made plans to return to their various forts, posts, or stations. Many believed that this mass deportation of redskins would establish peace and quiet between Apaches and the palefaces in Arizona.

With everyone aboard, the prison train's engine snorted and puffed as its wheels spun before getting traction for the upgrade start. Smoke and greasy steam momentarily engulfed the station, and the sounds of the bell and whistle echoed throughout the community. In the midst of this confusion, a young Apache buck leaned on his rifle on the station's platform and watched. A sergeant of scouts, he was an important member of the Apache scout organization. A large number who occupied the rickety, creaking coaches of that squealing and squeaking train were there because of his uncanny tracking ability. Even Geronimo and Ma-si, on various occasions, were located by him.

Picking up the trail of a runaway, his Apache instinct carried him with the swiftness of a bloodhound. No broken twig, misplaced rock, or bit of clothing that a fugitive might have lost in the brush along the trail escaped his detection. At the end of the trail he invariably found his fleeing Apache brother. If the overtaken fugitive resisted too much, he was shot. Scarcely past the age of eighteen, this Apache scout already had killed more than twenty of his people. He had been trained by a white man, and the training was thorough.

He had a number of Apache names, but his true Indian name was Haskay-bay-nay-ntayl. Broken down and translated into English, "Haskay" means "brave"; "bay" is "with him"; "nay" means "having come to a mysterious end"; "ntayl" means "tall." In other words, his name designated that he was tall and brave and would come to a mysterious end. Unlike many Apaches of his day, who were long-haired, dirty, and wore breeches or G-strings, this tall, young brave was neat and clean. He wore the white man's clothes, cowboy hat, and boots.

The oldest child in a family of seven children, he was born in a wickiup near Globe in 1868. Associating with the cowboys, miners, and soldiers, he was referred to as Kid or Apache Kid, from whence came his legal white name. Because of his high native intelligence and fair knowledge of English, Al



Sieber, chief of scouts at San Carlos, enlisted him in government service and gave him the rank of sergeant of scouts.

Still leaning on his gun, Apache Kid heard the last click-click, click-click of the wheels rolling on the rails and saw the train, carrying his people away, vanish in the distance. What were his thoughts as he stood there? Did he ponder his bloody but authorized career? Had he done right by his people? Had the white man directed him in the right path? How about his future? Should he continue in the ways of the whites or take up the plight of his people? He was at a tender, plastic age and could easily be moulded. His fate hung in the balance. He was destined to become famous among the Apaches.

"Quit daydreaming, Kid!" commanded the harsh voice of Al Sieber, who stepped up from the rear and slapped the young Indian on the shoulder. "The troops and scouts have already started for San Carlos. It'll take us two days to ride that eighty miles, then you can rest a spell for the good work you've done in catching these renegades." Without comment, Kid walked to the hitching rail, mounted his horse, and rode off with Sieber.

Sieber,<sup>2</sup> chief of scouts at San Carlos for more



2. Sieber was born in Germany in 1844. He served in the German Army and was trained in the severe discipline found in that military country.

than twenty years, migrated to the United States at the age of seventeen and settled in Minnesota. At the onset of the American Civil War, he volunteered and joined the First Minnesota Infantry. He served with distinction in the Northern Army, and at the Battle of Gettysburg a bullet struck him in the ankle and ranged upward, coming out at the knee. From this time on he had a crippled leg, so the army gave him an honorable discharge and put him on pension. He had not had enough war, however, so he came to Arizona to fight Apaches, and served under Generals Crook, Howard, and Miles. He could endure privations and hardships that would wilt the average person. While on forced marches, he required superhuman exertions on the part of those under his command. For this reason, Indians and whites alike called him the "Man of Iron." This was the man who had trained Apache Kid to capture or kill his erring Apache brothers. This, too, was the man whose readiness to condemn eventually turned an outstanding government scout into the most notorious of all Apache renegades.

By the time the troops and scouts had returned to their posts at San Carlos, the prison train had made its way to San Antonio, Texas. Leaving this city, the train traveled northeasterly toward Missouri. This lap of the journey was slower than the initial run from Bowie to San Antonio, because of heavier

traffic and denser population. At practically every siding the train went in the "hole"<sup>3</sup> to allow other trains to pass. The people in every town where the train stopped gathered in throngs to get a glimpse of the warriors, which often delayed the train's departure. However, speed and time were of no concern to these passengers, for at the end of the trip they had a lifetime to wait, and, except for one, they would not be coming back to Arizona. Guards used every precaution to prevent escape, especially in the rear car, and every four hours, when the guards changed, the passengers in Geronimo's band were checked. Soldiers with guns walked through the car with pencil and paper and enumerated the Indians until thirty-eight were counted.

Ma-si, an alert warrior not more than thirty years of age, noticed this routine. How he must have longed to be back in Arizona! Had he not followed Geronimo he would be free, and respected by his tribesmen, instead of occupying a seat in the hot, stuffy coach filled with stinking human beings. This was torture in itself, and he escaped.

We are informed that on this trip nature took its course. A squaw riding in the seat behind Ma-si delivered a papoose. The mystery and pain of childbirth on a seat in a swaying train was no different



3. Railroad slang for going on a siding.

from the same ordeal on a pallet spread upon the ground on some hillside, in a sandwash, or in a mesquite thicket. There was no physician. In accordance with her Apache instinct, she attended herself. If the guards heard the cry of the newly born baby, they thought it came from a baby carried by another squaw. The tiny child was dried by blankets heaped around the mother, who placed it to her breasts, where it nursed and slept. The birth occurred about two o'clock in the afternoon in a farm belt where warm September days caused crops in the fields and weeds at the edge of the right-of-way to flourish.

Ma-si was alert to his opportunity. He constantly thought of the number thirty-eight; now there were thirty-nine. As far as the official count was concerned, the baby registered the same as he. An Indian was an Indian regardless of size. Quite certain that the guards knew nothing about the new arrival, he pondered the idea of escaping. If the mother would only keep her child hidden until the next count, there was a possibility that the baby would be counted for him. Learning of his plans, the mother promised to co-operate.

Shortly before four o'clock that same afternoon, the train took a siding on a grade to await the passing of a circus train coming from the opposite direction. Fresh guards already had come into the car to relieve those on duty. A whistle announced the



approach of the train on the opposite side from where Ma-si sat. Indians, except Ma-si and the weak squaw, scrambled to the windows, and the guards rushed to the front and rear steps to catch a view of the bright-colored cars, animals, and other circus equipment. At this juncture, Ma-si waved farewell to the Apache woman, opened a window, dropped to the ground, and crawled into the weeds, where he lay in deathlike silence.

After the circus train passed, the engineer on the prison train yanked open the throttle; drivers spun on the rails, and passengers lunged forward and backward. Before this little locomotive, with its funnel-shaped smokestack, really got down to pulling, it burnt more fuel, threw more cinders, made more noise, and popped more necks than any engine on the line. While all this commotion was going on, relief guards started their count. True to her word, the Apache mother exposed her baby to the guard. There were thirty-eight in all. The guards were satisfied, and thirty-eight prisoners continued their long journey into exile.

Ma-si began his incredible 1,500-mile trek back to his home and the renegade life.<sup>4</sup>



4. During his life as a recluse, Ma-si undoubtedly talked with his fellow Apaches and described his escape in the manner as related here. The story is told by Apaches at the present time, but regardless of this legend this uncanny warrior did escape.

General Miles wrote in his memoirs: "Despite every precaution taken by Colonel Wade, Ma-si made good his escape."

The Report of the San Carlos Agency to the Secretary of the Interior, dated October 29, 1890, and signed by Theodore C. Lemmon, "Superintendent and Principal Teacher," contains the following statement:

"Ma-si, an Apache of Geronimo's band escaped from the cars at or near Springfield, Missouri, en route with said band to Alabama in 1886, and made his way across country to this reservation."<sup>5</sup>



5. A minor error appeared in this report, inasmuch as the original destination of Geronimo and his band was Florida, not Alabama.



## *Misjudged Apache*

FOR SOME SIX months after the deportation of Geronimo and other redskins, peace and quiet reigned among the Indians on the San Carlos Reservation. This was only a lull before the storm, however, because some Apaches were not yet ready to accept the white man's customs and be assimilated with his society. A number of these recalcitrants gave government officials grave concern, the first being Nah-deiz-az.

Nah-deiz-az, an intelligent and neat person, was only twenty-two years old when he got in trouble. He, his father, and his mother were picked up by the army on the Verde River and brought to San Carlos for relocation. His mother died shortly after establishing their new home.

This young Apache was one of the first to adapt himself to farming. Settling on a fertile piece of ground on the Gila River, he fenced the land and became self-supporting by raising enough crops to feed himself, his father, and a work horse, but the government objected to his occupying the land because it fell within the right-of-way of a proposed road.

On March 10, 1887, Nah-deiz-az, holding the plow handle with his father guiding the horse, went around and around the small field, breaking ground for spring planting. About noon he fed the horse, then prepared dinner in his wickiup situated a few steps from the fence that enclosed his property. He noticed Frank Porter, the farm boss, come up to the fence on horseback.

"Nah-deiz-az!" shouted Porter in no uncertain terms. "For the third and last time, I'm telling you that the government is using this land for a road."

In broken English, the young Apache explained how he had been brought here against his will, and still the government wasn't satisfied. Wiping tears from his eyes with a bandanna, he related his mother's sick condition while en route to San Carlos and described her death shortly after completing the long and hard journey.

"That might be true," said Porter, "but orders are orders. Get off and be damn quick about it!"



"No, I stay here!" responded the Indian.

"Then I'll report you to headquarters," concluded Porter, turning his horse and riding away.

Porter reported to Captain Francis Pierce, commanding officer, who didn't believe the dispute too serious and thought that an officer with authority could mend the breach that existed between the two and that the Indian would be willing to listen to reason and get off the land.

The person detailed to accompany Porter on this mission was Lieutenant Seward Mott, a soft-spoken, diplomatic, and respected officer, whose name has become a tradition on the reservation.

Nah-deiz-az had started plowing again when he saw the two men come in sight. He walked into his home, picked up a pistol, cocked it, and waited. Porter and Mott came closer, never suspecting that he had a weapon. As they were about to dismount, Nah-deiz-az fired at Porter. The bullet missed its mark, but it did hit and seriously wound Mott. As Mott fell to the ground, Porter wheeled his horse and sped for his life to headquarters.

Captain Pierce was shocked with the report and rushed into an adjacent office and commanded Al Sieber and Apache Kid to catch the culprit. The pursuers expected a battling, running chase, but they were surprised to find that Nah-deiz-az had not fled. He surrendered without resistance, gave

up the pistol, and expressed regret for mistakenly shooting Mott. Just where he got the pistol remained a mystery, as, except for scouts and policemen, Indians were not allowed firearms.

While the arrest was being made, Doctor T. B. Davis, the post physician, rushed to give aid to the wounded officer and took him to the hospital, where the medical staff labored to save his life. Despite the gallant efforts of Davis and his aides, Mott died the next day.

Authorities were more or less baffled as to what should be done with Nah-deiz-az in the matter of punishment. At one time crimes of this nature were subject to military court-martial but, in 1885, Congress passed a law<sup>1</sup> stating that "all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny within any Territory or State of the United States, and



1. Forty-Eighth Congress. Sess. II. CH. 341, 342, 1885. In accordance with this law which became operative on March 3, 1885, it appears that Geronimo and his warriors should have been tried in civil courts since many of their alleged depredations had been committed after the law was in force.

The law was ambiguous, inasmuch as it did not say whether a federal court, or state or territorial court, had jurisdiction over Indians since two distinct courts operated in each state and territory. At a later date the United States Supreme Court clarified this issue in the case of the United States vs. Captain Jack.

either within or without an Indian reservation, shall be subject therefore to the laws of such Territory or State relating to such crimes, and shall be tried therefore in the same courts and in the same manner and shall be subject to the same penalties as all other persons charged with commission of said crimes, respectively."

Arizona, which was a territory, had an odd court system. The judges were appointed by the President and usually came from the East. A judge was assigned to preside over the judicial district, which comprised one or more counties. He was both federal and territorial judge and held court for both governments in the same courtroom. When sitting as a federal judge, the United States marshal and United States attorney were his officers, but when he sat as a territorial court the sheriff and district attorney were his officers. On a number of occasions these judges got mixed up and permitted defendants to be tried in the wrong court.

These trial judges also made up the Territorial Supreme Court, which decided cases that were appealed from the federal and territorial trial courts. A trial judge who had heard the evidence of a case which was appealed disqualified himself as a supreme court justice in the particular case, but other judges, who knew nothing about the case, comprised the high tribunal.

Nah-deiz-az was held in the San Carlos jail while legal minds studied the case to determine in which court he should be tried. It was decided that he had violated the federal law and that he should be tried in the Second Judicial District, in Globe.

Nah-deiz-az was arraigned in the May term of court, 1887, before Judge W. W. Porter, who sat as a United States judge. Porter, a Democrat, was appointed by President Cleveland. He is especially remembered because of his big nose, as was Cyrano de Bergerac.<sup>2</sup> After the defendant said that he had no money, the Court appointed counsel to defend him and set a date to enter a plea. The Indian,



2. Richard E. Sloan, early-day Arizona judge and last territorial governor, mentioned Porter's nose in a book. The following is reprinted from *Memories of an Arizona Judge*, by Richard E. Sloan, with permission of the author and of the publishers, Stanford University Press. Copyright, 1932, by the Board of Trustees of Leland Stanford Junior University.

Sloan wrote, "Judge Porter, though never a drinking man, possessed a nose of a startling size and of a deep rose color. During his term of office the Supreme Court of the Territory held its sessions in Prescott. On one occasion Porter took the stage at Phoenix for Prescott. As the weather was warm when he started he was unprepared for the cold he later encountered when the stage reached an elevation of 5,000 feet or so. Finally the Judge appealed to the driver for something with which to cover his knees, which were beginning to feel the chill. The driver handed him a blanket, which he wrapped about his legs with expressions of grateful relief. After a little the Judge appealed to the driver for something to wrap about his shoulders and again the driver handed him a blanket. Still later the Judge said, 'Driver, my face is getting cold. Haven't you something you can give me to cover up my nose?'

"The driver then reached into the stage boot and pulled out a gunny sack, of the size of a grain sack, and said, 'I am sorry, Judge, but I haven't anything bigger than this.' "

through his attorney, entered a plea of guilty and asked the Court to show mercy, whereby the Court sentenced him to life imprisonment in the territorial prison at Yuma, located in a desert region on the bank of the Colorado River in the extreme southwest section of the territory, some three hundred miles from Globe.

Enclosed in high adobe walls, the prison was located on Prison Hill, a granite bluff on the river's bank. The dungeon block contained cells carved out of the rocky hill. Rings were imbedded in the solid rock floor where incorrigibles were chained.

Nah-deiz-az was confined in the main cell block, which housed life termers. The cells were made of stone, steel, and mortar, with barren floors. The cells, equipped with six bunks each, in tiers three to a side, were so crowded that inmates could hardly move about. A canteen was placed in each cell for drinking water, and a bucket was used for toilet facilities.

The sun's rays beating against the rocks often soared the temperature to over 120 degrees. Consumption was prevalent, and prisoners could see prison guards carrying victims of the dread white plague to the prison graveyard. Conditions were horrifying.

Nah-deiz-az got a happy surprise, however, when the United States marshal received orders



from the United States attorney general to transfer him to the southern Illinois penitentiary, at Menard. The highest government attorney ruled that the Yuma prison was reserved for territorial prisoners only. Judge Porter was ordered to send all future federal prisoners to the Ohio state prison, at Columbus, or the southern Illinois penitentiary, the two institutions which the United States had contracted with to incarcerate prisoners.



## *A Renegade Is Born*

EVEN BEFORE the courts and justice department settled all technical points in the case of Nah-deiz-az, Apache Kid was called upon to investigate the murder of Lee Nasson, a freighter, near San Carlos.

On April 10, 1888, Nasson was on his way to Globe with a cargo of goods, including several cases of whiskey consigned to a saloon, when he was attacked and killed by a band of Apaches. His wagons were burnt and his horses and whiskey were stolen.

Apache Kid found a portion of the unconsumed liquor cached in the bushes. The firewater looked tempting to him, but the honor and dignity attached to his position prohibited him from tasting the stuff. He suspected Captain Jack, whom he had seen drunk at the post.

Captain Jack was a jovial, good-natured Indian who did little jobs for the soldiers and asked travelers who came through the post for handouts. He wore a tattooed number on his forehead, SC1, which indicated that he was the first San Carlos Apache to be numbered. The number system was instituted by General Crook as a means of identifying these Indians. Numbered tags, worn around the neck, were later substituted for the tattoo.

Officials were startled to think this fellow could be implicated in murder, but when questioned he admitted being at the scene of the killing and helping drink the whiskey but denied any responsibility for the murder. He implicated El-cahn, La-ca-hor, and Has-tin-tu-du-jay as his accomplices.

These Apaches were arrested and taken to Globe for trial, where Judge Porter sentenced them to long terms in the Ohio state prison, at Columbus.

Al Sieber was elated with the manner in which Apache Kid caught the killers of Nason, and placed more and more confidence in him.

In May, 1888, Sieber was ordered to accompany Captain Pierce on an inspection tour to Fort Apache. In preparation for his weeks' absence from the San Carlos post, Sieber called in his favorite scout, Apache Kid, and informed him that he would be acting chief of the Apache scouts during his absence. This unprecedented honor conferred

on him by his respected chief undoubtedly filled the young Indian's heart with a great pride. For the moment, at least, Sieber's faith in him overwhelmed the conscience that sometimes nagged him with the thought that his alignment with the white man was a betrayal of his Apache blood.

During the officers' absence a large colony of Apaches living on the San Carlos River, some ten miles from the agency, put on a big celebration. There was dancing, feasting, gambling, and drinking.

Although federal law prohibited these merry-makers from buying alcoholic drinks, they possessed plenty of liquid of their own concoction. They had a variety of stuff: mescal, made from the century plant; tulapai, made from corn; and raisin jack, brewed from raisins, sugar, and yeast.

Their gambling consisted of playing monte, and their feast included such foods as beef, potatoes, beans, bread, coffee, and sugar. Dancers expressed their feelings through the medium of a peculiar dance, stepped to the weird chants and monotonous thumping of tom-toms of the medicine men. The ceremony continued until dancers dropped from sheer exhaustion.

The party finally got a little too hilarious. Fist fights and hair-pulling contests broke out. When this information reached San Carlos, Lieutenant

F. B. Fowler, in charge of headquarters during Pierce's absence, ordered Apache Kid and his scouts to the Indian village to quell the disturbance. The Lieutenant acted in good faith, of course, but it was an ill-advised order to send a detail of Apache scouts to discipline a large assembly of their blood brothers.

The scouts stopped on a knoll overlooking the camp, and were spotted by the merry-makers, who believed Apache Kid had come to do them harm. As the scouts started toward the gathering the celebrants began to yell at the leader, calling him by name: "Haskay-bay-nay-ntayl, *U-ka-she! U-ka-she!*" "Go away! Go away!"

Apache Kid did not swoop down on his people in wild commotion as they thought he might do, but rode up in an orderly manner and dismounted. As he mingled in the crowd, looking for contraband, Apache maidens admired the handsome young brave, patted him on the cheek, and invited him to join in the fun.<sup>1</sup>

He, unhappily, forgot about his duties and, tempted by the maidens, joined in their drunken orgy. Unfortunately, the scouts had not returned to the agency by the time Pierce and Sieber completed their tour, and a military detail was dispatched



1. Story as related by Jimmy Stevens.



promptly to the Apache colony to bring in Apache Kid and his brother scouts.

On June 1, 1888, the detail returned to headquarters with the delinquents and lined them up in front of the main building before the commanding officer and the agency's military personnel. Sieber spoke to them in Apache, upbraiding them for their



Al Sieber

misconduct, and charged Apache Kid with gross insubordination. There was no response, and at this point officers noticed that the scouts were still under the influence of liquor.

Pierce ordered them to get off their horses, surrender their guns, and be locked up in the guard-house until they regained their senses. This they resented, and hardly had Sieber translated Pierce's order into Apache when someone shot Sieber in the ankle. A second bullet whizzed past Captain Pierce's head as he darted into his office for protection.

Grappling with the assailants, soldiers wrenched their guns from them, and held them under heavy guard. No one knew for sure who fired the shots, but Sieber held Apache Kid responsible and charged him with assault with intent to kill. Other scouts, namely, Say-es, Hale, and Pash-ten-tah were charged with aiding and abetting Apache Kid. A number of others who were on the scene of disturbance and had participated in the drinking were turned loose.

Many thought that Sieber and Apache Kid were inseparable; and any break between the two seemed unbelievable. Had Sieber recognized the condition of the scouts and reserved his public censure until they were sober enough to realize their offense, the order to surrender their guns might not have pre-

cipitated the act that turned the once proud Apache scout into the worst Apache renegade.

The scouts went to trial in Globe before Judge Porter in the June term of court, 1888. Al Sieber, just out of the hospital and walking on crutches, appeared against them. They were convicted and sentenced to ten years in the Ohio state prison. Five other Indian defendants who had been caught by Sieber and Apache Kid before their fracas were sent to the same prison.<sup>2</sup>

The sentence was heartbreaking to Apache Kid, erstwhile pride of Apacheland, but he was still young and after he atoned for his sin he still had a long life ahead of him.

The closest railroad point was Casa Grande, a town located on the desert some ninety miles southwest of Globe. The nine Apache prisoners were placed under heavy guard and transported by stage-coach to Casa Grande, where they were placed on a train which carried them to Ohio.

This mass conviction didn't deter crime among the Indians. Scores of others got in trouble. Some of their brushes with the white man were the results of hunger. The government did give out rations, but not enough. Many Apaches supplemented their diet by eating pack rats and offal from beeves which



2. Records of trials and sentences are in custody of the clerk of the United States district court, Phoenix, Arizona.

were butchered by white men. They were called rat eaters and gut eaters.

Apaches liked venison, but they weren't allowed guns with which to kill deer. They needed horses for transportation. To fill these needs they often took guns and horses from freighters, campers, and ranchers and carried out their depredations when least expected.



## *Blue Stone, Sheriff, Ma-si*

FREIGHT WAGONS were the lifeline of the Globe camp. By 1889, the fabulously rich silver deposits had been depleted, but there were countless millions of tons of copper ore available. Copper mines had been developed and smelters had been built. Mining tools and machinery and coke for the smelters were hauled in from Willcox, a railroad shipping point 120 miles to the southeast. Production sometimes was curtailed because Indians occasionally killed the freighters and robbed them.

Early in February, 1889, five freighters left Willcox for Globe with a cargo of coke. They were H. H. Cosper and his two sons, S. S. Cosper and Freeman T. Cosper, and two men named Davidson.

Each drove a twelve-horse team that pulled



three heavily laden wagons. One wagon in the train carried bedrolls, food, and hay. Each freighter rode the right wheelhorse and carried his rifle in a scabbard fastened to the footboard behind him.

On the fourth day out of Willcox, the teamsters stopped just east of San Carlos for dinner. Two Apaches, one riding a pony and carrying a gun and the other on foot, came to the camp and asked for something to eat. After the Indians had eaten their dinner they looked about the camp and spotted a rifle leaning against a wheel, which belonged to Freeman T. Cosper. The gun, with gold-plated bands inlaid around the hand grip part of the stock, captured their fancy and they picked it up and examined it. They offered to buy it or trade their pony or their own gun for it, but Cosper refused.

The Indians followed the caravan to San Carlos, where a stop was made for the night. The freighters gave them money to buy some hay for them at the agency, paid them for their work, and gave them their supper. The freight train left San Carlos on the last two-day lap of the trip, and the Indians traveled right along with it. The freighters apparently thought they were harmless and when they camped that night at Gilson Water the Indians helped take care of the horses for their meals.

When the wagons pulled out of Gilson Water, the persistent redskins evidently noticed that Cos-

per, owner of the pretty gun, had taken the rear position in the line of travel. They must have realized that the freighters would soon be off the reservation and that action could not be delayed too long if they were to get the gun.

As the wagons got near the present village of Cutter, the Indian on the pony rode up alongside Cosper, who was a hundred yards behind his father.

"You trade 'em gun for pony?" asked the Indian.

Cosper refused, and, from the corners of his eyes, probably noticed the disappointed would-be trader shy off a few paces and cock his gun. He had not considered the Indian's demands as serious. He now realized his precarious position, but could do nothing about it as his own gun was out of reach behind him. An explosion rent the air. Cosper screamed, jumped from his saddle, ran four or five steps, then crawled another six yards and died. The bullet had entered on the right side of the back and came out near the center of the left breast.

Cosper's father heard the shot and, looking around, saw the Indian on foot rush to the wagon and jerk his son's gun from the scabbard and hand it to the Indian on the horse. The Indians then broke and ran to the hills. By this time the other teamsters had grabbed their guns, and took long range shots at the fleeing killers. The Indian on foot appeared to have been hit.

As soon as the tragic news reached Globe and San Carlos the army gave chase and Justice of the Peace Job Atkins held a coroner's inquest. The coroner's verdict stated that Freeman T. Cospers came to his death from a gunshot wound from a gun in the hands of an Indian whose name is unknown to



Glenn Reynolds, Sheriff

the jury, at a place four miles west of Gilson's Ranch, on the eighth day of February, 1889, and that the killing was a wanton and premeditated murder.

The army was pressed to its utmost efforts in capturing the killer. A month after the killing, soldiers came to the end of the trail on Timber Camp Moun-

tain and caught the Apache identified as Bi-the-jabe-tish-to-ce-an, which, in English, means Blue Stone. The captured Indian identified his accomplice as Ba-ta-go-ul, but he never was found. Apparently the freighters hit him as he fled from the scene of the killing and he died in the wild country.

The prisoner was taken to Globe and placed in custody of Sheriff Glenn Reynolds, of Gila County, until such time as the United States marshal would take charge of him. The Gila County sheriff's office force was comprised of Sheriff Glenn Reynolds, and Jerry Ryan, W. A. (Hunkydory)<sup>1</sup> Holmes and Floyd Blevins, sheriff's deputies.

Sheriff Reynolds, a cattleman, came from Albany, Texas, to Arizona in 1885 and settled on a stream in the rough Sierra Anchas Mountains, near the Pleasant Valley country, at a place later designated Reynolds Ranger Station by the United States Forest Service, in honor of the sheriff. He was married, and besides his wife, Gussie, he had four children—two boys, Elmer and Watt, and two



1. A native of the republic of Texas, Holmes came to Arizona as a Methodist colporteur but gave up the Christian work for the more adventurous life of a prospector in the Globe camp. He staked out the Daisy Dean, a rich silver claim, in Ramboz Canyon which netted him a small fortune, but he spent it all defending himself in court after he had killed Banjeck Marco, another prospector, who attempted to jump his claim. After his acquittal he worked at odd jobs, delved in politics, wrote poetry, and entertained in saloons. His best known poem was "Hunkydory" (see Appendix), from whence came his nickname. He had hopes of striking it rich again.

girls, Bessie and Augusta (Gussie). Born in Texas in 1853, Reynolds was too young for service in the Civil War, but he did help guard settlements against Indian forays when older menfolk were away on war duty. After the war, he followed the trails of the large herds of cattle that were driven to Eastern markets.

He took a fling in politics and was elected sheriff of Throckmorton County, Texas. He went into the sheep business, but went broke when the tariff on wool was removed. His parents and brothers, prominent cattle raisers of Albany, Texas, backed him in the cattle business and sent him with his family to Arizona. He combined his herd with the outfit of Jess Ellison, who also was coming to Arizona.

The three thousand cattle and two hundred horses in this expedition were shipped by rail to Bowie, Arizona, where they were unloaded and driven to their ranges, some two hundred miles to the north. Reynolds crossed the San Carlos Reservation several times before the herd finally was located. On these trips he met top-ranking military men, Al Sieber, Apache Kid, and other Indians and soldiers as he passed through the post at San Carlos.

Hardly had the Reynolds family settled in their new home until the long, desperate, and bloody feud, which claimed the lives of a score of men,



broke out between the factions of the Tewksburys and the Grahams. This vendetta is referred to as the Pleasant Valley War.

Although Reynolds was a cattleman, he leaned toward the Tewksburys, who were sheepmen. During the progress of the war, one of Reynolds' brothers came to Arizona to visit him, but, due to the wild state of commotion, the brother was afraid to venture out to the ranch. He got as far as Globe but returned to Texas without seeing his relatives.

When the feud was at its peak, Reynolds' baby son, George, became seriously ill and it was necessary for someone to risk riding from the ranch to Globe for medicine. A rider was selected and mounted on a fast horse. The horse's feet were padded, and the rider's spur rowels were tied in place to prevent jingling. Everything reasonable was done to prevent the messenger's detection on the dangerous trail. Despite these precautions, the rider encountered a foe, got his arm blown off by gunfire blasts, and never returned with the medicine. The baby died shortly thereafter.

Once, when returning home from a mysterious mission, Reynolds had so disguised himself that his children were afraid of him. He became disgusted and told his wife that he would no longer live in a country that was so wild that one's own brother

would not come to see him and that one's own children actually were afraid of their father. Consequently, he moved to Globe, where he was elected sheriff in November, 1888, defeating George Shute, incumbent, and B. F. Pascoe, former sheriff.

Reynolds' first manhunt was for Ma-si, who had escaped from the prisoner-of-war train in Missouri in September, 1886. Although he had had experiences with marauding Comanches in Texas, his knowledge of the sly Apache outlaw was limited, and Ma-si's movements were as secret and stealthy as those of the reptiles that crawled over the Arizona wasteland. Like a tiger he occasionally stole down upon an Indian camp, captured an Apache woman, kept her for several months, then cruelly murdered her and returned to repeat the same overt act.<sup>2</sup>

It was only by chance that he was seen loitering around the Cross S Ranch, located on the western fringe of the San Carlos Reservation twenty miles northeast of Globe, in April, 1889, some two and one-half years after his escape. The Cross S cattle outfit, one of the largest, finest, and most historic




2. It is not known definitely when Ma-si came back to Arizona, but his name is mentioned in various reports of the San Carlos agency and of the army to the interior and war departments from 1887 to 1890. One of these reports said, "A renegade Indian, supposed to be Ma-si, surprised a party of four women, and shot one dead, slightly wounded two others, and took with him a younger woman."

ranches in Arizona, was owned and operated by Patrick Shanley.<sup>3</sup>

Ma-si carried a rifle and alternated his bareback riding between two skinny, overworked ponies. Casting a covetous eye upon a herd of well-bred horses in the Cross S pasture, he slunk into the enclosure and stole two of them, turning his own ponies loose. He started southward to the Pinal Mountains, south of Globe, where there was a good chance of getting a saddle and provisions from woodcutters who camped in the mountains. Steadily and quietly he guided his horses atop Madera Peak and looked down upon the camp of Joe Guerena and Sabino Quiroz, Mexican woodcutters, who had established camp only the day before.

As Quiroz cleaned up camp after breakfast, Guerena stepped into an oak thicket to gather camp wood. From his more or less secluded position in the bushes, Guerena heard a shot, looked up, and



3. Patrick Shanley operated the first hotel and dining room at the famous McMillan silver camp and recognized the need of producing beef on the nearby, luxuriant grasslands to furnish the miners meat. William Shanley, a son of Patrick Shanley, who lives in Los Angeles, California, as of this date (1954), recalls that his father bought his original herd of three hundred cattle from Billy the Kid, of New Mexico, in about 1879 for \$7.00 apiece, delivered at McMillan. Patrick Shanley, a Roman Catholic, explained why he selected S for his brand by saying that the cross stood for the Cross of Jesus and the S stood for the S in Shanley.

Ross Santee, a renowned writer of Western stories, used the Cross S range as a setting for a number of his books, including *Lost Pony Tracks* and *Apacheland*.

saw that his partner had been killed. The dumb-founded Guerena saw Ma-si rush into camp with two horses and lift Quiroz's saddle to the back of one of the mounts and place a packsaddle on the other. The intruder jammed foodstuff in packboxes and put them on the pack animal, and in a matter of only a few minutes he was gone.

When danger of losing his own life had passed, Guerena fled to Globe. By noon of the day of the killing, the exhausted and almost speechless wood-cutter rushed into the sheriff's office and reported the killing.

Sheriff Reynolds and his deputies immediately started after Ma-si, but, after three days of diligent search, failed to overtake the killer and gave up. Ma-si could hide almost indefinitely in the vast area covered with brush, timber, and massive boulders.<sup>4</sup>



4. That it was Ma-si who killed Quiroz is verified by the following official records: Mr. Shanley charged him with horse stealing; a coroner's jury verdict on the death of Quiroz accused Ma-si of the murder; a grand jury indicted him for murdering Quiroz (see Appendix IV); and Gila County offered a reward for his capture.



## *Bitter Brew*

THE JOVIAL, well-liked Apache called Captain Jack was one of the Indians who had been convicted in the mass trial in federal court, at Globe, along with Apache Kid and his fellow scouts. He had long been a familiar character around the San Carlos post and no one was more startled than the military command when, suddenly, Captain Jack was implicated with other Apaches in the murder of a freighter named Nasson to get whiskey that the freighter transported. Captain Jack was, admittedly, only an accomplice after the fact but, nevertheless, he was convicted of murder and sentenced to thirty years in the Ohio state penitentiary at Columbus.

His case was no different from hundreds of



others and would be of no historical significance except that, purely by chance, he became the principal in a jurisdictional test that further confused the already bewildering inconsistencies of governmental relations with the Indians.

Of the thirteen Gila County Apaches incarcerated in the Ohio prison, including Al Sieber's scouts, two died shortly after their arrival. These deaths, undoubtedly, were caused by their having been removed from their native environment and confined in close quarters in a climate to which they were not accustomed. The remaining eleven convicts feared a similar fate, but they had friends outside the prison walls working in their behalf.

At this time, 1889, there were a number of societies and associations of whites who championed the Indians' cause. One such group was the Indian Rights Association. It is believed that some of the leaders of this group studied the law of 1885, under which the Apaches had been convicted, and wondered if Congress, when it passed the law, intended for them to be tried in the Arizona territorial court instead of in a federal court. There was one sure way to find out, namely, to file a writ of habeas corpus with the United States Supreme Court to see if they were illegally held in prison. Consequently, some enterprising lawyer called on Captain Jack in his Ohio prison cell.

The lawyer told the Indian that probably he was confined illegally. It took some time for the attorney to explain the meaning of this statement in words that the prisoner could understand. Finally Captain Jack grasped the meaning of the words "illegally confined" and, regarding his release as a *fait accompli*, he promptly strode to the cell door and exclaimed, "Me, Cap'n Jack, no like'm this place. Me go back now my home San Carlos."

Somewhat flustered, the lawyer gingerly drew the old Apache from the barred door and began a careful explanation of "due processes" of the law. With some misgiving he cautiously retreated from the point of immediate freedom which his unfortunate approach to the subject had suggested to the now suspicious Indian. Eventually Captain Jack understood that all he was being asked to do was to grant permission to use his name in a test case that *might* result in his freedom. With a characteristic Apache shrug, Captain Jack indicated his permission was granted.

The other Apache inmates were told of the impending jurisdictional case that, if won, would mean their freedom, too, and a tense excitement stirred those usually stolid prisoners. Only Apache Kid seemed unmoved. His resentment over his public humiliation by his former chief, Al Sieber, and subsequent summary conviction was too deep to

allow credence to rumors that the white man's maneuvers would bring him any good.

The case of Captain Jack versus the United States eventually came before the United States Supreme Court, and on April 15, 1889, the highest tribunal issued a writ of habeas corpus as prayed for in this case. The attorney general made his construction of the Court's decision, in which it was held that the Second Federal District Court at Globe, Arizona, had acted outside its jurisdiction in convicting the Indian.

The Captain Jack decision, as the ruling commonly is called, was far-reaching, inasmuch as all Indians in similar situations were affected. Other Indians confined to the Ohio prison, and Nah-deiz-az, who was confined in the southern Illinois penitentiary for murdering Lieutenant Seward Mott, all were to be released.<sup>1</sup>

Following a request of the secretary of the interior, the secretary of war, on May 16, 1889, gave instructions to the adjutant general concerning the detailing of an officer to conduct the Indians back to the San Carlos Reservation. On May 25, 1889,



1. The official prison record of Captain Jack, who set the precedent for the liberation of Apache federal prisoners, is as follows: "Captain Jack, Ohio Penitentiary, No. 19771, was admitted June 14, 1888, from the U. S. 2nd District of Arizona to serve a term of 30 years on a charge of Murder, and was released on May 18, 1889, by order of U. S. Supreme Court."

all the Apaches liberated by the Captain Jack decision arrived under escort at San Carlos post and were set free.

Only if one can realize the intense suffering that prison confinement inflicted on Indians, born of generations who had never known any limitation of space or freedom, can one understand what it meant to these Apaches to return to their own people in their own country. Less stoical than some, Nah-deiz-az wept when he stepped from the stage into the brilliant sunlight of his native Arizona. Apache Kid was impassive. His dark eyes, resting briefly on his former friend, Al Sieber, gave no clue to his emotions.

Sieber had made no secret of his resentment of the release of the Apache scouts, particularly Apache Kid. One of them had shot him in the foot, and nothing short of ten years in prison for the lot of them would satisfy him. But years of tracking down obscure trails had taught him patience; he would bide his time for a reckoning.

The military at the post, however, was openly infuriated by the release of Nah-deiz-az. Lieutenant Mott had been popular with his fellow officers and they were in no mood to see his killer freely roaming the reservation. They promptly discovered that the Captain Jack decision on the jurisdiction of courts, which had given Nah-deiz-az his freedom,

need not be interpreted as a pardon. Lieutenant F. B. Fowler, who had helped Apache Kid and Sieber arrest Nah-deiz-az, hurried to Globe and appeared before Justice of the Peace Job Atkins charging "Nah-deiz-az, Apache Indian, with the murder of Seward Mott, Lieutenant U. S. Army." On June 5, 1889, a warrant for his arrest was handed to Gila County Sheriff Reynolds.

The young Apache made no effort to resist arrest, and Sheriff Reynolds brought in his prisoner without incident. On June 21, 1889, he was given a routine preliminary hearing in Globe, and Justice of the Peace Atkins ordered him held for trial the following October. Nah-deiz-az had nearly five months in the cramped, hot, and unsanitary jail in which to ponder the inscrutable ways of the white man's justice.

With the arrest of Nah-deiz-az another precedent was established which was to influence the destiny of Apache Kid. The sweetness of new freedom was swiftly to be exceedingly bitter brew.





## *Dragnet*

SUMMER HAD FADED into autumn and, early in October, 1889, Sheriff Reynolds sat in his office when Al Sieber paid him a visit. The sheriff listened to Sieber's versions of reported offenses committed by Apaches. Sieber reviewed a number of new cases and some old ones, especially the cases of Apache Kid and the scouts. He put pressure on the sheriff to reopen these cases in the territorial court. Reynolds had already arrested Nah-deiz-az, thereby establishing the precedent and giving Sieber an advantage which he was quick to press.

"How about Apache Kid; is he giving you any trouble?" Reynolds inquired.

"I see Kid occasionally when he comes to the agency for rations," replied Sieber. "He travels

alone and no one has tried trailing him to his camp. Probably lives with a pick-up squaw. I don't know of any crime he's committed since he and his gang shot me. As far as I'm concerned he's always under suspicion until something is done with him."

"And Ma-si. Anything new on him?"

"Ma-si's hanging around. Slippery as an eel. I think him and Kid run some together."

"You want me to arrest Kid and bring him to trial again on the charge, is that it, Sieber?"

"Yes, Kid and the rest of 'em. Might keep in mind, Reynolds, that I'm appearing in the next term of court for my citizenship papers. I'll be handy as a witness." With this pointed remark, Sieber limped from the office, leaving with the sheriff a long list of Apache criminals, with the nature of their offenses and the alleged date and place each crime was committed.

Reading through the list, Sheriff Reynolds noticed such characters as Halam McGill, Bob McIntosh, Josh, De-le-chi-la, Kil-mar-zay, Hos-cal-te, Dess-o-la, Pi-ka-ta, Has-ten-tu-du-jay, Captain Jack, Te-te-che-le, Lah-ca-hor, El-cahn, Ma-si, and Al Sieber's scouts—Apache Kid, Pash-ten-tah, Say-es, and Hale. All were charged with crimes ranging from horse stealing to murder.

Ma-si and Apache Kid. In all the long list they were the two names that held the sheriff's attention.

Three years had gone by since Ma-si vanished from the prison train and at least one of those years must have been spent in an incredibly hazardous journey over fifteen hundred miles of strange and dangerous territory—white man's country.

"Slippery as an eel," Sieber had said. The sheriff's thoughts must have dwelt on the known facts about Ma-si since his reappearance around Globe: stealing the Shanley horses and the murdering of the woodcutter, practically within the shadow of the county jail. Reynolds knew neither Ma-si nor Apache Kid would be easy to take.

For several days the sheriff thought about Sieber's demands, the criminals involved, and the crimes charged against them. Finally he concluded that justice would be served if these Indians, who had been convicted in a wrong court, were brought to trial in a court having proper jurisdiction.

Not all the men on the list had been convicted before. Some had committed crimes since the Captain Jack decision and had not yet been arrested. It would be impossible for Reynolds' small force to invade the huge San Carlos Reservation and capture all these renegades. Apache Kid or Ma-si alone might be more than his force could handle. Since he would be the first sheriff to arrest Apaches en masse, he didn't want to take chances on getting an officer or even a suspect killed. He simply wanted to make

the dragnet foolproof, take the accused without bloodshed, and bring them to trial before a proper jury to determine their guilt or innocence.

Sheriff Reynolds entered the Globe telegraph office and sent a message to General Miles, commanding officer of the Pacific Division, at the Presidio in San Francisco, informing him of his intention to arrest a number of Apache criminal suspects, including those who previously had been liberated from the Ohio penitentiary. He informed the General they would be brought to Globe for trial and solicited the army's co-operation in arresting them. Before nightfall an answer came from Miles stating that he had instructed Captain John L. Bullis, commanding officer who had replaced Captain Pierce, and Al Sieber, chief of scouts at San Carlos, to assist in the arrest of the accused men.

Early the next morning, the sheriff appeared before the justice of the peace in Globe and signed individual complaints against all Apaches whose names Sieber had given him. In this lot of complaints dated on October 14, 1889, was case 157, "Kid (An Indian) versus Territory of Arizona," which read: "Complaint filed and duly subscribed and sworn to by Glenn Reynolds setting forth that the defendant did on the first day of June, 1888, assault with intent to murder one Al Sieber—Warrant of arrest issued."

The die was cast. The sheriff held a handful of warrants. The mission might be dangerous, but, above all, speed was essential as court would convene in ten days. The accused men had to be arraigned in preliminary court, their cases presented to the grand jury for action, and be ready to go on trial in this short period. Reynolds briefed his deputies. Chief Deputy Ryan was instructed to accompany the sheriff to San Carlos, while others of the force were told to stay in town and begin serving juror summonses and witness subpoenas, and handle other matters incidental to opening of court.

Luck favored the sheriff at the outset, for when he arrived at San Carlos, the army already had picked up several of the Indians. Word spread that special rations were to be given out, and when they came to get something to eat, they were caught in the trap. The philosophical Captain Jack, with his "makes no difference to me" attitude, offered no resistance. When Sheriff Reynolds arrested him, he nonchalantly remarked, "Big court where Great White Father lives say Capt'n Jack no stay in jail no more," referring to the Supreme Court decision in Washington, which liberated him from prison.

"Sure, Jack. I know. Maybe something like that will happen again for you," responded Reynolds, dropping a coin in the Apache's upturned hand.

After two days of maneuvering, all wanted



Apaches were caught in the dragnet except Apache Kid and Ma-si. Sheriff Reynolds still held unserved warrants for them, and momentarily expected Kid to fall into the trap. Dowdy, an Apache scout, had sneaked into Kid's camp in a box canyon on the Gila River some six miles below San Carlos. Kid was not there, but Dowdy told a squaw to tell him that lots of food was being handed out to hungry Indians at the agency. Kid got the news, and, knowing nothing about the roundup at the post, started for the agency.

Meantime, tension at the post was mounting by the minute. If they waited for Dowdy to report back on his mission some crafty friend of Kid's might find a way to warn him. Neither could Reynolds safely send soldiers or scouts to trail Dowdy in the hope of taking Kid at his camp. The outlaw was much too clever at spotting to be taken unawares by known enemies. There was only one man in the sheriff's party whom Kid did not know by sight. That was the young deputy, Jerry Ryan.

No one spoke, but Reynolds could feel Al Sieber's eyes boring into him as he stood with his watch in his hand, staring out of the window. He glanced once more at his watch and, then, in one decisive movement dropped it into his vest pocket and turned from the window. Time was running out.

"Let's go, Ryan." Without further words he and

the young deputy walked quickly to the corral, mounted, and rode off up the trail. Ryan took the lead and Reynolds cautiously followed at sufficient distance to prevent being recognized by Apache Kid.

They had traveled about two miles when Ryan saw the young buck riding down the trail toward San Carlos. Kid saw Ryan too, but, as he said later, he thought he was some cowboy riding across country. He was out of tobacco and thought the stranger might give him a smoke. Ryan had no way of knowing whether Reynolds had sighted Apache Kid and he dared not risk even a backward glance. He kept his horse at the same steady gait but his heart was pounding as the distance between them grew shorter and shorter. When they met, Kid reined in and asked for a smoke. Ryan returned his greeting, pulled up and handed him papers and a bag of Bull Durham. He waited until the Indian's hands were busy making a cigarette. Then he drew his six-shooter and ordered him not to move.

This former sergeant of scouts was caught completely off guard. Fortunately for Ryan he was unarmed, for if he had possessed a gun he probably would have shot it out with Ryan in spite of his disadvantage. During the years when he was a respected scout, he had tricked his fellow Apaches with the same kind of tactics and he knew at once

that Dowdy had led him into a trap. He was so disgusted with himself that he obeyed Ryan without protest.

To Ryan's great relief Sheriff Reynolds appeared within a few minutes and Kid was quickly handcuffed. With Reynolds and the prisoner riding abreast and Ryan as rear guard they rode the trail back to the agency post. As they started off, the sheriff took out his watch to check the time for his official report of the capture. The watch was presented to Reynolds before he left Texas, by friends, in token of their esteem. It was a beautiful time-piece set in two gold cases. The interior case was engraved: "Glenn Reynolds, Albany, Texas, 1884." On one face of the exterior case sheep were engraved and on the other were cattle, signifying that he was both a sheepman and a cattleman. It was Reynolds' most valued possession. The handsome watch and elaborate gold chain gleamed in the bright sun, and Apache Kid remarked that he would like very much to have them.

"Not a chance, Kid," replied Reynolds. "They were given to me by my good friends in Texas. Money couldn't buy them."

Deputy Ryan was to remember that incident.

With the capture of Kid, Reynolds had completed his mission, with the sole exception of Ma-si, who slipped out of the dragnet and probably took

refuge again in the Pinal Mountains. Back at the post, Captain Bullis congratulated Reynolds for his efficiency; Reynolds thanked the Captain and the scouts for their assistance, and everyone—except the prisoners—was in high spirits.

The Pinals were purple against a brilliant sunset as Sheriff Reynolds, escorted by civilian officers and soldiers, brought his prisoners into Globe. It was common practice to ring the bell in the wooden tower of the Methodist church when bad Indians were in town. It was a signal for the menfolk to keep shooting irons handy. In this instance the criminals were in custody and the most cunning of them all was even in handcuffs, but Reynolds was taking no chances.

The last lock on the last cell block clanged shut as the tocsin began alerting the villagers against any outbreak while the criminals were housed in the county jail.

Only Ma-si had escaped the dragnet.



## *Trial by Jury*

NOT ALL OF THE Apaches caught in the dragnet were brought to trial. Some were released in preliminary court; others were not held by the grand jury; but enough were indicted to keep court officials busy for a week. One Indian who had been caught previously was indicted for murder. He was Bi-the-jabbe-tish-to-ce-an, accused of murdering Cosper, the freighter. He had been arrested some eight months before by the army and held in jail.

Besides Sheriff Reynolds, other court officials were J. D. McCabe, district attorney; B. G. Fox, clerk of the court; and the Honorable Joseph H. Kibbey, judge. Kibbey, a new arrival from Indiana, was appointed by President Benjamin Harrison to preside over the Second Judicial District. He had



succeeded the veteran judge, W. W. Porter, and many of the townspeople were eager and curious to see how the young jurist from the East would perform on the bench.<sup>1</sup>

On the morning of October 23, 1889, the courtroom was crowded, and every spectator craned his neck to get a better view when Sheriff Reynolds brought in the prisoners. With the possible exception of Apache Kid and Nah-deiz-az, the Apaches were a sorry looking lot wearing shabby clothes, needing haircuts, and appearing generally ill-fed and seedy.

The first group to come to trial was Al Sieber's former scouts who were indicted by the grand jury for assault with intent to commit murder.

Apache Kid was accused of firing the shot that hit Sieber; and Say-es, Hale, and Pash-ten-tah were held for "aiding, abetting, assisting and encouraging" Kid in the assault. They were asked if the names under which they were indicted were their true names. All answered in the affirmative except Pash-ten-tah, who said his name was Bach-e-on-nal. He has also been referred to by some writers as Wash-a-lan-ta, but he was indicted in this case under the name Pash-ten-tah and that name was retained in official records.



1. Kibbey later served as Arizona's territorial governor from February, 1905, to May, 1909.

District Attorney J. D. McCabe represented the prosecution; E. H. Cook and Mills Van Wegenen, Court appointed, represented the defendants.<sup>2</sup>

A jury was quickly empaneled to try the case, and Merijilda Grijalba<sup>3</sup> was sworn in to act as interpreter. Al Sieber, star witness for the prosecution, was first to be called. This was the moment he had waited for since the day the Apaches had gained their freedom. He told of events which led up to the assault and described the actual shooting, flatly naming Kid as the one who fired the shots and identifying the other defendants as the three scouts who were present at the time. His testimony was given with only an occasional perfunctory interruption by counsel. It was precise and completely damning.

The other prosecution witnesses sworn were: Frank Porter; Curley, an Indian Scout; Antonio Diaz, a Mexican who worked in the commissary; Fred Knipple; and Baca-shee-viejo. Adroitly ques-



2. Indians rarely had any money and whenever they were in trouble court-appointed attorneys defended them. These attorneys were paid a fee of \$50 for each case, and, for the next quarter of a century, until Congress placed reservation Indians in the jurisdiction of federal courts, scores of attorneys flocked to Globe to get this practice. Globe was referred to as the Apache trial capital.

3. Merijilda (Mirajilda) Grijalba was a Mexican boy who was a captive of Cochise. He was Cochise's interpreter, and was called "Chivero." He was taken from Cochise by Dr. Steck, government agent for the Chiricahua tribes, but later returned to the Apaches and became interpreter at San Carlos. He died at Solomonville, Arizona, at the age of 70.—Ed.

tioned by the prosecutor, their testimony gave further credence to Al Sieber's story.

The territory rested its case and the defense took over. Defense counsel's cross-examination of territory witnesses had been feeble and their only strategy now was to keep the three easily confused co-defendants off the stand and base their case on Kid's testimony. Spectator interest had waned during the testimony of the five territory witnesses who had followed Al Sieber, but when Defense Counsel Van Wagenen stepped to the bench and called Apache Kid to the stand there was silence in the crowded room.

For a brief moment Kid remained still, as if he had not heard. The guard standing by him dropped his hand on Kid's shoulder. The Indian's eyes flicked across the counsels' table and rested an instant on Al Sieber, sitting beside the prosecutor, then he rose and walked to the witness stand. The normal stirrings of a crowded room were heard again; it was as if the spectators had held their collective breath for that brief moment and now were settling back, at ease, ready to hear what the accused could possibly say in his own defense.

There was nothing in Apache Kid's manner that suggested either guilt or fear. But fear, at least, must have been gripping his heart, for he well knew the odds against him and his co-defendants in this

trial by a jury of white men. The W-shaped tattoo on his forehead stood out grotesquely above his fathomless eyes as he faced the crowded room.

The formalities were soon over and counsel instructed the witness to give his version of the affair that ended with the shooting of which he stood accused. With only an occasional assist from the interpreter, he told his story.

He and the other three scouts, he said, had been out on strenuous duty and, returning to the agency, had gone at once to the commissary for rations. He alleged that Antonio Diaz, the clerk, had given them a handful of flour, a small quantity of coffee, some dried beans, and a little sugar. Nothing else. His men were tired and hungry, the rations were inadequate and the quantity insufficient. He protested. Diaz was stubborn and an argument developed. Curley, another Indian scout, entered the dispute, ranging himself alongside of Diaz.

At this point defense counsel interrupted to question the witness about Curley. Kid answered each question simply, without hesitation. Yes, Curley was the same Indian scout who had just testified for the territory. Yes, he was an enemy of Apache Kid. He was jealous; had always resented Kid's position as Al Sieber's special favorite. Yes, there was more to it than that. Curley was jealous of Kid's popularity with the Apache maidens, especially one par-



ticular maiden. Counsel seemed satisfied that he had made his point and instructed the witness to continue his story.

According to Kid, the argument drew a crowd of curious Indians who gathered in front of the commissary. Meantime, someone had slipped over to headquarters and reported the disturbance.

Sieber and Captain Pierce came storming over and attempted to disperse the crowd. They reprimanded the scouts for their impudence and agreed with Diaz. During the commotion, a gun was sneaked out of the arsenal, which was housed in the commissary, and fired at the officers. Kid emphatically denied shooting Sieber himself and when asked if one of his co-defendants did the shooting, he answered, "No."

Upon further examination he revealed that, besides Curley, two other scouts who were present at the commissary when the shooting occurred were not taken into custody—Halam McGill and Josh. He concluded his testimony by saying that he believed Curley, for personal reasons, did the shooting with obvious intention of getting him in serious trouble with Sieber and the military.

Two Apache men witnesses, Toney and Natlish-say, testified for Kid, but the surprise witness for him was an Apache maiden, Na-sha-shay, whom the white men called "Beauty." Undoubt-



edly she was the particular maiden to whom Apache Kid referred in testifying to Curley's jealousy. She testified as to Kid's good character.

The defense rested its case and District Attorney McCabe promptly recalled Sieber as a rebuttal witness. Sieber asserted that Kid's testimony was a complete fabrication told for the sole purpose of clearing himself and his cohorts. It is significant that there is no record of the prosecution's attempt to shake Kid's story by cross-examination; Sieber's refutation was, apparently, considered sufficient to discredit the prisoner.

Regardless of which story is correct, there are indications that Curley and other scouts actually were implicated in the assault, but since Curley was the territory's witness he was in no danger of being prosecuted. Defense attorneys, in their arguments to the jury, repeatedly stressed this point.

Attorneys on both sides finished their arguments. Judge Kibbey instructed the jury and called a recess while the jury was out. Defense counsel had made a reasonably good try but the jury's deliberations were brief and the verdict surprised no one—"Guilty as charged."<sup>4</sup>



4. Records on file in the courthouse at Globe, Arizona, reveal the following verdict: "Territory of Arizona vs. Kid, Hale, Say-es, and Bach-e-on-nal, indicted under the name of Pash-ten-tah. We, the jury in this case, find the defendants guilty as charged in the indictment. George E. Shute, Foreman."

The following morning, court reconvened and again the spectators' benches were crowded. Conspicuous among the townsfolk were the uniforms of grim-faced soldiers from the San Carlos post, fellow officers of Lieutenant Mott, whose murderer went on trial that morning, for the second time.

Frank Porter, F. B. Fowler, the obliging Al Sieber, and Dr. T. B. Davis, who had attended Mott, were called for the prosecution and, in spite of the two-year lapse of time, their memories were clear—their testimony was detailed and damaging.

Nah-deiz-az, the accused, was the only witness for the defense. He faced a courtroom packed with hostile—or, at best, indifferent—spectators, an unsympathetic judge, and a self-assured prosecutor. Again, as he had done two years before, the Apache told the story of his relocation by the government and subsequent trouble with the military about the possession of his small patch of ground. Of the fateful visit of Porter and Mott to evict him, he said that he was afraid Porter meant to harm him and he fired in self-defense. That the shot missed Porter and struck Mott was, of course, pure accident. His story had all the elements of tragedy, but to those present in the courtroom in that day of territorial settlement, being pushed around was not considered reasonable provocation for an Indian to raise his hand against a white man.

Defense Attorney Van Wagenen made an eloquent plea for mercy but the result was never in doubt. The jury returned a verdict of murder in the first degree, and Nah-deiz-az was remanded in the custody of the sheriff until judgment was pronounced upon him.

The main events were over; Apache Kid and Nah-deiz-az were back in their cells awaiting sentence. There still remained the trials of those Apaches indicted for three murders, and a horse thief to be disposed of.

The proceedings against Bob McIntosh, charged with stealing a horse belonging to Dr. T. B. Davis, were stopped when it was discovered the alleged offense was committed in Graham County. However, the Court ruled that he be held in custody until proper authorities were notified.

Jesus Avott, a Mexican, convicted himself by pleading guilty to a charge of embezzlement. He sold a friend's horse for \$50 and kept the money to celebrate on.

Of those indicted for murder, Bi-the-ja-be-tish-to-ce-an was convicted of murder in the first degree for killing Freeman T. Cospers. Hos-cal-te was convicted of murdering a fellow Apache by the name of Goo-de-hoy-ee.

Captain Jack, El-cahn, and Has-ten-tu-du-jay entered pleas of not guilty to a charge of murdering

Nasson. The Court appointed attorneys E. H. Cook and H. V. Jackson to defend them.

After the prosecution presented its witnesses, including Al Sieber, the defendants took the stand in their own behalf. Before the defense counsels closed their arguments to the jury, they attempted to show that Captain Jack had nothing to do with the killing, but merely looked on. Apparently these arguments impressed the jury, because it returned two separate verdicts, to wit: "Territory of Arizona vs. Has-ten-tu-du-jay, Captain Jack and El-cahn: We the jury find the defendants Has-ten-tu-du-jay, and El-cahn guilty of murder as charged in the indictment. Signed, H. Ellis, Foreman."

"Territory of Arizona vs. Has-ten-tu-du-jay Captain Jack and El-cahn: We the jury find the defendant Captain Jack not guilty. Signed, H. Ellis, Foreman."<sup>5</sup>



5. Captain Jack returned to the reservation and married an Apache, who was called Mrs. SC1. He worked hard and never got in any more trouble. Tragedy finally overtook him on October 5, 1911, when SJ55, an Apache, ran amok and killed Captain Jack and another Indian. A coroner's jury, conducted by Justice of the Peace Hinson Thomas, returned this verdict: "We the jurors upon our oaths do say that the name of the deceased was Captain Jack, SC1, an Apache Indian, age about 65 years, that he came to his death October 5th 1911, near Peridot, on the San Carlos Reservation, Gila County, Arizona, from a gunshot wound inflicted by SJ55, an Apache Indian, with murderous intent. Dated at Rice, Gila County, Arizona, this 5th day of October, A.D., 1911."

SJ55 was sentenced to life imprisonment in the territorial prison at Florence, which had been transferred from Yuma.



## *Judgment Day*

ON THE MORNING of October 30, 1889, all of the convicted were brought before Judge Kibbey for sentence. Handcuffed and escorted by armed guards, the culprits were a sorry looking lot. Even Apache Kid and Nah-deiz-az were scarcely more presentable than their unsavory brethren.

Apache Kid was the first to be called up for sentencing. Judge Kibbey ordered him to stand up, and put the usual, and quite superfluous question—did the prisoner have any legal cause to show why judgment should not be pronounced?—The prisoner did not. The judge then read his prepared judgment: “That whereas the said Kid having been duly convicted in this court of the crime of assault with intent to commit murder. It is therefore ordered, ad-



judged and decreed that the said Kid be punished by imprisonment in the territorial prison at Yuma in the Territory of Arizona for the term of seven years, the term of imprisonment to commence from this date." The judge then turned to Kid and com-



Top row: El-cahn, Hos-cal-te, Say-es, Apache Kid, and Bob McIntosh.  
Bottom row: Has-ten-tu-du-jay, Nah-deiz-az, Pash-ten-tah, Bi-the-jabe-tish-to-ce-an, and Hale

pleted his pronouncement, "You are remanded to the custody of the sheriff of this said Gila County to be by him delivered into the custody of the proper officer of said territorial prison."

With the precision of a liturgical service, Say-es, Hale, and Pash-ten-tah were called separately and each was given the same sentence as Kid. It may rea-

sonably be assumed that Al Sieber, at least, was well pleased with the new judge from Indiana.

The sentencing of Nah-deiz-az was next on the judicial agenda. The murderer of Lieutenant Mott was ordered to stand up and the usual rite began.

"Do you have any legal cause to show why judgment should not be pronounced upon you?" Nah-deiz-az looked quickly at Sheriff Reynolds for support but Reynolds' eyes were on the judge. He turned again to the court and answered the prescribed "No."

Judge Kibbey's voice cut through the sudden stillness in the crowded courtroom. "You, Nah-deiz-az, have been duly convicted in this court of a crime of murder. It is therefore considered and adjudged by this Court that you, Nah-deiz-az, suffer death." A groan escaped from the prisoner's lips as the judge continued, "At a time to be hereafter appointed, not less than thirty nor more than sixty days from the date hereof, you shall be taken by the sheriff of this county to a place within the walls or yard of the jail of this county and there be hanged by the neck—"

The sentence was interrupted as the condemned man cried out, "No! No! Me good Indian. Me good—"

"Nah-deiz-az! Nah-deiz-az!" Sheriff Reynolds reprimanded, "Let the judge finish!"

“—until you are dead, according to law. The sheriff of this county is charged with the execution of this judgment.”

The death decree, which was discretionary with the Court, shocked not only the condemned man but his fellow Apaches and the sheriff. The thought of hanging was oddly disquieting to Sheriff Reynolds, who, unlike a number of notorious frontier law officers, was reluctant to kill.

Other sentences pronounced by the Court were: Jesus Avott, one year; El-cahn, eight years; Hos-cal-te, twelve years; Bi-the-ja-be-tish-to-ce-an and Has-ten-tu-du-jay, natural life.

Locked again in their cells below stairs the condemned Indians were variously sullen, angry, or numbed with despair. But two things the ex-scouts and Nah-deiz-az must have shared in like proportion—the feeling that they had been unjustly tried and sentenced for crimes for which they already had paid penalty, and a deep and bitter contempt for Al Sieber.

The Indians knew the horrors of confinement in the rock-hewn Yuma prison; too many of their kind had died there of consumption, and Nah-deiz-az himself had spent some months of his original sentence in the Yuma prison before being sent to the federal penitentiary in Illinois. Despite the anguish he was now suffering he could not but agree with his

fellow convicts that his was the lesser punishment after all, for his death would be quick and relatively painless.

It was dinner time for the convicts. Sheriff Reynolds had not lingered in the courtroom but was prowling the corridor in the cell block, wanting to say something to the dejected Indians and not quite knowing what or how. He was relieved when Onion Jack, the Chinese cook, came through the outer door pulling his little red wagon. He greeted the old Chinese with more than his usual heartiness.

"Jack, Old Timer, come in—come in! What you got for chow today?"

"Velly good chow fo' unhappy mens," replied Onion Jack, his incredibly seamed face crinkling with good humor. "Beef, glavy, potat', coffee, blead, and velly fine apple pie."

"Sounds good, Jack. And Jack, give 'em all they want while they're here. They've got a long, hard trip ahead of 'em." Onion Jack grinned and bobbed his head in understanding as he trundled his wagon to the cell block.

Reynolds turned away and walked slowly to his home, close by, where his family and their own good dinner awaited him. His conversation at dinner that day, later commented upon by his wife, indicated that he was remembering the pressure Al Sieber had put on him to round up the men whom



he had heard that morning sentenced to death—one by hanging and nine by unmerciful confinement. He remembered Al Sieber's words "I will have my naturalization papers and be a handy witness at the trials." The sheriff knew for a fact that Sieber had voted regularly in Gila County without benefit of naturalization.<sup>1</sup> And he certainly had been a "handy witness" for the prosecution, without the foundation of citizenship, before the trials.

Sheriff Reynolds was a plain man, unsubtle and unimaginative and not one to brood, but this particular day produced overtones of emotion that even he could not fail to register. There was something unpalatable about the ceremony that began in the courtroom, even as the clacking of the cell locks was heard as they closed on the nine convicted Apaches. Judge Kibbey had not left the bench and many of the spectators who had crowded the scene for the sentencing had remained for the event—the naturalization of Albert Sieber, soldier. Reynolds did not stay for the ceremony, but it is all in the official records of Gila County.<sup>2</sup>



1. At the Gila County election in 1882, the first regular election after the county was organized, in 1881, Al Sieber voted. The following information is found in the Great Register of 1882: "Number 854; name, Al Sieber; age, 38; Country of Nativity, United States; Residence, San Carlos; Date of Registration, October 13, 1882. At subsequent elections in the 1880's, Sieber stated that he was a native of Pennsylvania.

2. Documentary evidence revealed that Albert Sieber was a native of Germany and that he did enlist in the army of the United States. His



During the few days of life that were to be allotted to the sheriff, he mentioned several times that conferring American citizenship on Al Sieber that morning was somehow not just the most fitting climax to the proceedings of that judgment day.



Certificate of Service disclosed that he enrolled with Company B, First Minnesota Infantry on March 4, 1862, and was honorably discharged from said service on May 1, 1864—Minutes of the Second Judicial District Court, Book 2, page 39, Globe, Arizona.

Sieber, together with a number of other civilian employees, lost his job at San Carlos when the government decided that the San Carlos Apaches were civilized and removed troops from the reservation, in 1905. However, troops were not removed from Fort Apache until 1922.

After Sieber left San Carlos, he got a job on the Roosevelt Dam project, where he was foreman over a group of Indians, who worked on a road-building project. At a point about a mile north of Roosevelt dam on the roadway leading to Tonto Basin, a dynamite blast had been set off and a large boulder was left dangerously balancing in the way. Sieber pried at the boulder with a crowbar, and it toppled over on him, killing him instantly.

A coroner's inquest, number 336 on file in Globe, states the following: "Albert Sieber was a native of Germany, age 63, he came to his death on the 19th day of February, 1907, by an accident from being crushed by a large rolling stone while employed by the United States Reclamation Service at Roosevelt, Arizona."

Dr. Frank C. Pennell, who examined the body, testified that the cause of Al Sieber's death was due to injuries occasioned by a rolling rock, the injuries being, "right thorax completely crushed, right leg below the knee completely crushed, and right forearm, both bones broken."

Sieber was buried in the Odd Fellows plot in Globe. The Territory of Arizona erected a monument at his grave, and other admirers have erected a monument at the spot where he was killed.



## *Prison Bound*

IT IS KNOWN that Reynolds dreaded the trip to Yuma. It was a tedious journey at best, and beset with real hazards, but the sheriff had made up his mind to see through to the end this cleanup which he had started. He made his plans quickly, determined to deliver his prisoners without delay. On the afternoon of the day sentences were pronounced he assigned Deputy Holmes to accompany him to Yuma. Deputies Ryan and Blevins would be left on duty in Globe with special orders to keep on the alert for Ma-si. The sheriff collected the convicts' commitment papers from the county clerk, and \$400 from the county treasurer for expenses of the trip.

The *cause célèbre* character of this mass trial and conviction is indicated by the fact that on that same

afternoon all of the Apache prisoners were marched out of the jail and lined up in front of the courthouse for group pictures by an enterprising newspaper photographer. (See page 63.)

With final instructions to have guns, shackles, and handcuffs ready for the takeoff at dawn on Friday, two days hence, Reynolds turned his attention to the most important job of negotiating for stage and driver to make the hazardous journey. The trip involved about three days' travel by stage and train with a stopover for one night at Riverside Stage Station on the Gila River. The second day's travel ended at Casa Grande, from which point travelers completed the journey to Yuma by train.

There were a number of firms operating stages over this line, including the Texas and California Stage Company and the Idaho Stage Company, but Reynolds' choice was the Eugene Middleton Line, which had just purchased a new, heavy-duty Concord coach, a sturdy, roomy vehicle with a body paint job of forest green, and bright yellow wheels.

No one in all Arizona understood better than Middleton the cunning, treachery, and viciousness of the Apache of that day. In the early 1880's, a number of Coyotero Apaches made a savage assault on the troops and killed Captain E. C. Hentig and seven of his men near Cibecue. These same Apaches later went to an isolated ranch where Middleton's

father, mother, and six younger sisters and brothers lived. Posing as friendly Indians, they asked for food and got it. Sizing up the premises, these warriors noticed the members of this family and paid particular attention to two men visitors, George Turner and Henry Moody, whom they believed would offer the most resistance should they decide to attack. They also cast covetous eyes upon some fifty head of horses in the corral. At a given signal, the redskins opened fire, killing Turner and Moody and wounding one of the Middleton boys. The bullet which pierced Turner's body also struck Hattie Middleton, one of the older daughters of the family, cutting off a lock of hair.<sup>1</sup> Other Indians swooped down from the nearby hillsides and drove off all the horses. The panic-stricken family had to take refuge among the bushes and rocks.

At another time Eugene Middleton was out on



1. Turner was Hattie Middleton's fiance. Only by chance, he was in the Globe Western Union office a few days earlier, talking with G. M. Allison, telegrapher, when the operator at Fort Apache wired the news of the Cibecue incident.

Turner believed that the Indians might go to the Middleton home, so he started for the ranch. On his way out, he stopped at the Moody Ranch, on Cherry Creek, and persuaded Henry Moody to go with him.

At a later date, Allison married Hattie Middleton and lived with her for more than sixty years, until her death a few years ago. As of this date (1954), Mr. Allison resides with a daughter in Inglewood, California. Many of the incidents of this writing were constructed from stories as related by Mr. and Mrs. G. M. Allison. Mrs. Allison is buried alongside her brother, Eugene Middleton, in the Globe cemetery.

an Indian chase with a company of rangers. He and his men camped for the night and staked and hobbled their horses to graze. The next morning at daylight, Apaches made an attack and wounded two rangers. During the exchange of fire, other warriors cut in and drove away all the rangers' mounts. The surprised white men were obliged to pick up their wounded and walk some seventy-five miles to Globe. Reynolds remembered these events and knew that Middleton might flatly refuse the job. He found Middleton in the stage office.

"Howdy, Gene!" greeted Reynolds. "How about hauling the convicts to Casa Grande in that new stagecoach? There'll be eight Apaches and one Mexican."

"Apaches? No sir-ee! I might be fool enough to make the trip with the Mexican, but damn Apaches are a jinx to me," Middleton replied.

"But your experiences have been with that band of Coyoteros from the Fort Apache Reservation. These convicts are practically all of the San Carlos tribe. We'll have them handcuffed and shackled and there'll be two of us guarding. I'm taking Hunkydory along. You'll get paid well for the trip, Gene."

"Mebbeso Sheriff, but never in my life have I had anything but grief from Apaches. I don't want any deals them devils are mixed up in."



"I've worked hard cleaning up this Apache menace in the county and I kinda thought you might help me out now. But, of course, if you don't want to . . . " the sheriff's words trailed off and Middleton cut in.

"Dang it, Sheriff, you know I'd like to haul 'em for *you*. When do you want to leave?"

"Day after tomorrow at daylight."

"I'm a fool and I know it, and I wouldn't do it for another livin' soul. Don't you misjudge renegade Apaches, Sheriff. Whether they're of the Fort Apache, Coyotero, or San Carlos breed, an Apache is an Apache. Remember, I'm hauling them only because of you."

"Thanks, Gene, you're a real friend, and it's just like I've always said, there isn't an Apache living I'm afraid of!"

"That's where you and I differ. It's the dead ones I'm not afraid of!"

All arrangements for the trip having been made, Reynolds spent most of the next day with his wife and children and made his personal preparations for departure the following morning.

It was Friday, November 1, 1889. An hour before sunup Sheriff Reynolds arose, calm and refreshed after a restful night. While his wife prepared breakfast he went to the stable and saddled his best horse, Tex, which he would ride as far as

Riverside Station. He saddled another horse for the Mexican convict, Avott, in order to lighten the load of the stagecoach on the steep, rough mountainous grades.

Mrs. Reynolds' fear for the safety of her husband was very real. When he got out in the desert wilds, he wouldn't have the army and Al Sieber to help him. Could only he and Holmes handle all those convicts? When her husband came back into the kitchen for breakfast she appealed to him once more to change his plans.

"Gussie, honey, let's not go over all that again." The sheriff spoke gently and with no impatience at her insistence. "I'll make it all right. You just keep the pot boiling and the children happy, and don't you worry about me."

Reynolds kissed his wife good-bye and led the saddled horses the short distance to the courthouse. In the pre-dawn darkness he could see Middleton's stagecoach and horses outlined by a yellow shaft of light that shone from the jail office window. He tied Tex and the extra horse to the hitching rail and entered his office to pick up the commitment papers and the \$400 expense money.

The prisoners already had been served breakfast and the deputies and Stage Driver Middleton all were on hand when Reynolds entered the jail. The sheriff was pleased and his voice was brisk but

genial. "Good work, fellows. We'll get the prisoners and load them in the stage now."

"Hold on there, Sheriff! I'm not going after any Apache prisoners!" declared Middleton. "I'll just climb up in my seat on the stagecoach and wait there while you load 'em. If you need any help with them out on the road, I'll be ready, but until that time comes, I'm takin' care of the teams and stage and you herd the prisoners."

Reynolds grinned as Middleton strode out and, picking up the jail keys, ordered Deputies Blevins, Ryan, and Holmes to follow him to the cell block. One by one, handcuffs snapped around wrists and the Apache convicts were marched into the hall. Watching this procedure in the dim lantern light was Nah-deiz-az, left behind to await his execution. In the Apache language, and paying no heed to the Mexican prisoner who still occupied a cell, he bade farewell to his Apache brothers. The cool November air was piercing when the Apache convicts went out of doors, and they drew their worn and dirty coats closer around their scrawny bodies. They remained stolid and unresisting while they were being loaded into the stagecoach. When all were seated, shackles were locked around their legs.

"How about this hombre, Reynolds, will he ride inside with the Indians?" Holmes asked, as he brought the Mexican embezzler from the jail.

"That boy isn't dangerous, he's just a spend-thrift," said the sheriff, but in a more serious tone he added, "The Mexican will ride on this extra horse alongside of me. Holmes, you ride inside the coach behind the Indians." As Ryan helped the hapless Mexican to mount, Reynolds quietly surveyed the whole scene, mentally checking his arrangements. Middleton carried a pistol. Holmes possessed a lever action Winchester rifle and a six-shooter, and he himself was armed with a .45 Colt and a double-barreled shotgun, loaded with buckshot. Each man being an expert marksman and fast on the trigger, there appeared no chance for the convicts to commit foul play or even try to escape. Satisfied, he mounted Tex, motioned the Mexican to precede him, and called to Middleton. "All set, Gene. Let's move."

Middleton tightened the reins and the prison-bound stage, drawn by four bays, rumbled out of Globe as the sun broke through the November mists over the mountains.



## *On the Road*

THE FOUR-MILE run south from Globe to the 66 Ranch was made in record time. Here the stage was stopped at the tollgate that gave access to the Globe-Pinal Summit Toll Road. The gatekeeper reckoned the charge at \$7.00—twelve people at 25¢ each, six horses at 50¢ each, and \$1.00 for the stage. Eight pairs of greedy Apache eyes watched Reynolds take out his leather pouch and thumb through a roll of bills to pay the toll.

The management of the Globe-Pinal Summit Toll Road kept a colony of monkeys at the gate to entertain the wayfarers. The presence of these hungry-looking and curious little animals stimulated the sale of peanuts, popcorn, and candy, which were offered by the management. While the gatekeeper



was reckoning the toll charge Reynolds bought a bag of peanuts to feed the chattering monkeys. He felt a tug at his gold watch chain. "No, you can't have that, you little thief," exclaimed the sheriff. "That is my most valuable possession, next to Gussie and my children." Once again the monkey reached for the chain as it glittered in the early morning sun. "Hey, no monkey business, little fellow." He handed the monkey a paper bag half filled with peanuts. Laughing at the would-be thief, Reynolds walked over to the candy stand and purchased several bags of sweets for the prisoners and his assistants. After passing out the candy the sheriff paid the toll and gave the command to move on.

The toll road clearance signal was given, and the gate opened. Middleton released the brake shoes. The bullwhip cracked, the horses lunged forward, and the chain traces jingled until the slack was picked up. The cacti and mesquite soon disappeared and scrub oak, mountain laurel, manzanita, and cedar and pine trees appeared, as the prison-bound party climbed slowly toward Pioneer Pass. Before reaching the summit they stopped to rest their horses where a number of lumberjacks were felling trees. Sheriff Reynolds waved and spoke to the lumberman who approached him.

"Sheriff, I'm mighty glad to see you!" exclaimed the foreman of the lumberers. "Thar's been an

Apache molestin' our camp for a right smart spell and has packed off nearly half our grub."

"Might have been a skunk. These mountains are full of them," suggested the sheriff.

"It was a skunk all right, one of them stinkin' Apache kind," the lumberman continued. "I laid eyes on him last night fer the first time, trying to steal my saddle horse, Thunder. He nearly got away with it, but Thunder is plenty smart. Recognized my whistle and came running towards me. I shot three or four times but guess I missed him."

"Ma-si!" Reynolds gasped. "When he sneaked out of the dragnet at San Carlos, army officers told me that he probably came back to this area."

"Sounds like that Apache killer," Holmes confirmed, speaking from his seat in the stagecoach.

"Send one of your men to town and report this to Chief Deputy Jerry Ryan," instructed Reynolds. "Maybe this time my boys'll bag that slippery devil."

"I hope that damn redskin stays away from us, Sheriff. We got plenty of 'em as 'tis," Middleton shouted and, without waiting for Reynolds to give the order, he cracked the whip and started the stage up the rutted road.

The officers and stage driver rode without speaking. Their eyes glanced nervously from time to time to huge boulders, large clumps of bushes, big

tree trunks, and overhanging vines. Once, when a deer darted across the road, Middleton felt his heart skip a beat.

Pine-scented, cool, and invigorating air helped the straining bays pull the heavy stage over the summit of Pioneer Pass. Brakes were set, and the stage made a gradual descent to the mining camp of Pioneer.

The arrival of the stage caused the little camp to bustle with activity. A crowd gathered around and watched the officers as they released the Apache prisoners from their leg irons. Handcuffed in pairs, they were taken to the dining room. As the prisoners and their guards ate dinner, hostlers changed horses and greased the stage.

An old prospector who had seen every stage come and go for a number of years watched the procedure of handling the convicts. Sauntering up to Sheriff Reynolds, he asked in a cracked, high-pitched voice, "How the devil did ja catch them Apaches in one bunch, Sheriff? I remember some of 'em, by cracky! Some officers brought 'em right through here a while back, taking 'em to Casa Grande."

"We just rounded them up, Granpa," explained Reynolds, as he smiled and looked at the old man. "Then the judge did the rest."

"Them thar redskins are still wild and plenty

mean," the prospector said. "Better be extry keerful with 'em. I heared thar was a bad Apache causin' a lot of hell with them lumbermen up in the Pinal Mountains."

"So they told me. I think he is Ma-si. We'll pick him up before long, I hope," said Reynolds, mounting his horse just as Middleton started to pull out with the prisoners.

Traveling up one hill, then down another, the passengers bounced and rocked as the weaving stage reeled off the miles, finally reaching the deep, irksome sands of Disappointment Valley, now called Dripping Springs Valley. At this point, the Indians seemed to relax. They became less sullen and began to talk to each other in their own language. The apparent easing of the tension in the stage was a relief to Deputy Holmes. The spruce old fellow was a poet of sorts and a born entertainer, and the sullen mood of his fellow-travelers in the stage had begun to tell on his nerves. Now that the Indians had, seemingly, decided to be a little friendly, Holmes relaxed and let loose with some of his rollicking "poems." Glancing into the stage periodically, Reynolds saw that the Apaches apparently were enjoying Hunkydory's performance.

Holmes was going through his repertory happily as the stage started up an incline known as Chalk Hill, about two miles long. This was one of the

steepest pulls and the horses were rested frequently. During these rest periods, Sheriff Reynolds demonstrated his marksmanship by drilling holes in prickly pear cactus with his .45. By midafternoon the party had reached the top of the hill. Storm clouds were gathering in the west. The sheriff put his six-shooter back in his belt holster and buttoned his overcoat. Riding alongside the stage driver, Reynolds shouted to Middleton, "It's getting colder and looks like a storm's coming. We'd better crowd the teams, Gene, and try to make Riverside before the storm opens up."

Middleton trotted the horses down the last seven-mile grade, endeavoring to reach the Gila River before the drizzling rain broke into a downpour. Finally, they arrived at the river's north bank, and Middleton and Reynolds made a survey to determine if it would be safe to cross the stream. During the high water, stages did not attempt to ford the dangerous stream but waited for stages coming from the opposite direction. Passengers, mail, and cargo were conveyed across the stream in a box running on a cable that was stretched across the channel high above the water. After the exchange was made, stages turned around and went back to their terminals. This procedure, although necessary at times, caused delay, inconvenience, and more work on the part of stage operators and passengers alike. Just a



short time before, a passenger by the name of William Murphy lost his life here. When the box was about halfway across Murphy got dizzy by looking at the swirling water and fell into the river. His body was recovered the next day about a mile downstream. The incident was fresh in everyone's mind and again there was an ominous silence in the stage.

Middleton concluded it would be just as safe to take a chance on crossing the stream in one group as it would be to transfer the prisoners across one at a time. Furthermore, Middleton's distrust of the Indians was profound; and Reynolds' confidence did not displace his fear that the three were no match for the Apache renegades, despite handcuffs and shackles. He chose to risk the river hazard.

At the crack of the whip the horses plunged into the Gila, dragging the heavy-laden stage behind. The water was belly deep on the saddle horses, so the sheriff and the Mexican convict held their feet high. "Better hold your feet up too, Hunkydory!" Reynolds shouted to Holmes. "The water is running through the stage!"

By the time the travelers crossed the river, without incident, the heavens had opened up, raining harder and harder. The Apaches sat huddled in the stage, cold, miserable, and too moody to talk. The horses needed no urging as they neared the end of their run, sloshing along over the muddy road.

Lights were springing up in the station when they rounded the last slight bend in the road.

Riverside, a station stop situated on the Gila River some forty miles south of Globe, was established to serve traffic. A hostelry with a good well of cool, fresh water offered accommodations to travelers who ventured into this rough and isolated section of the Arizona desert. It was the post office that served ranchers living along the Gila and San Pedro rivers, the two streams making their confluence some fifteen miles above the station. Just as Middleton's stage stopped at the station, the Globe-bound stage from Tucson also pulled in for the night layover.

"Howdy, Gene," greeted S. C. (Shorty) Sayler, driver of the Tucson stage. "This sure is a night for Satan and his imps!"

"Hi, Shorty," responded Middleton, wrapping his reins around the brake lever. "Can't speak for Satan, but we got his imps with us in this load of Apache convicts!"

"You have!" Sayler shouted in surprise. "Those redskins enjoy a night like this, and I'm not unloading my passengers until I know it's safe."

At this point, Sheriff Reynolds rode up to Sayler's stage, assuring him that the prisoners wouldn't molest his passengers.

While hostlers took care of the saddle and work

horses, the prisoners were unloaded and taken into a large room for the night. Built of adobe, the room contained a long table, wooden benches, chairs, and a pot-bellied stove. This was the dining and waiting room. On this particular night, after passengers had been served their meals, it would be used as a sort of jail. The woodbox was piled high with mesquite, and a couple of lanterns hanging from the ceiling threw out their dim light. Served by the management in this room, the tired convicts, officers, and stage driver feasted on Irish stew, rice pudding, bread, and coffee.

After supper, Sheriff Reynolds made plans for the night watch. A couple of cots were set up so the officers could alternate in getting a little sleep. Middleton was to sleep in one and be close by in case he was needed. The Apache convicts sat at the table placed cornerwise with their backs to the walls facing their guards. They were securely fastened in irons, so any sleep they got would have to be in a sitting position. Avott was allowed the privilege of sitting in a chair without being handcuffed. Sheriff Reynolds had explained that on tomorrow's trip the saddle horses would be left at Riverside and all twelve of the party would continue in the stage.

"If you catch that four o'clock afternoon train at Casa Grande for Yuma, we should leave here not later than five o'clock in the morning," Middleton

told Reynolds. "Up the road a spell, there's a steep grade, heavy with sand. My four horses can hardly pull an empty stage over it, so your passengers will have to walk up it to lighten the load."

"I remember the hill," the sheriff said. "Last spring when I brought some prisoners over this way, we all had to get out and push. I believe the sand was a foot deep. None of the wagons can make it without some help."

"You won't have to push—just walk. That's the reason I've got my four best horses on this run. Once we hit the flat, desert country, my blacks will make good time," Middleton concluded.

The Indians jabbered in Apache, but neither Middleton nor the officers understood them. They had one advantage over their escorts, inasmuch as they could piecemeal their guards' conversations and knew what the next move would be.

Middleton didn't rest much. He was up and down all night long watching closely the eight Apaches in the same room with him. He would breathe easier when he knew these redskins were behind the bars at Yuma.

The rain had stopped, the temperature gradually dropped to near freezing, and the valley at Riverside remained pitch dark. The hours passed slowly for Sheriff Reynolds during his first-trick watch. The apprehension, trial, and conveyance of

these Apache convicts had been a physical and mental strain. All day he had maintained his composure without effort but during these dismal hours on guard over the dark, hunched figures he could not but have felt some apprehension. Apache Kid and Hos-cal-te seemed never to take their eyes off him even when it meant shifting their uncomfortable positions to follow his pacing about the big room. It is not unlikely that he remembered, now, his wife's whispered "May God be with you" as he left his home in the early dawn of that day.

Holmes was to relieve him at two o'clock and Reynolds paused beside the turned-down lamp to look at his watch. Apache Kid's voice came out of a shadowed corner, "Givem watch—me keep time."

"Never give up, do you, Kid?" replied Reynolds as he replaced the coveted watch in his pocket.

The voices aroused Holmes and Middleton, who were up in a flash. They suggested guarding the rest of the night together and persuaded the sheriff to lie down. Reynolds was in deep slumber when Middleton shook him by the shoulders, "Wake up, Glenn," he called. "It's four o'clock and time for breakfast."

After the meal, Middleton went to see about the stagecoach and Reynolds conferred with Holmes about seating arrangements in the stage. Apache Kid and Hos-cal-te would be shackled, handcuffed,



and placed in the front seat and not permitted to get out and walk when the party reached the grade. Reynolds took no chances on these young, notoriously cunning convicts. The other six Apaches, being older men, would be handcuffed in pairs, leaving each person one free hand. He didn't consider them particularly dangerous in the present circumstances.

Middleton yelled into the waiting room that the stage was ready. The horses were fractious and the hostlers were having trouble holding them. Middleton was in the driver's seat and repeatedly called each horse by name in an effort to quiet them. Whether the cool, crisp morning, the smell of the Apaches, or the sense of danger caused the horses to act this way is not known. Nevertheless, at a later date, when Middleton wrote to Mrs. Reynolds describing this trip, he said, "I never saw horses act in such an unaccountable way."

"It's too dark to sit next to those fellows," Sheriff Reynolds whispered to Holmes; but in a louder tone he said, "You ride in the rear boot, and I'll climb up in the seat beside Gene. When we get on top of the hill, we'll rearrange the load."

Holding his watch near the lantern held by the innkeeper, Reynolds checked the time. It was five o'clock on the morning of November 2, 1889, when he took his position alongside of Middleton.



## *Riverside Tragedy*

MIDDLETON GAVE slack to the reins and the horses were off like a flash. Following the winding road, they raced across the country along the river's bank. Using all the tricks of his teamster career, Middleton guided the runaway team while the stagecoach swayed and bounced. Reynolds held the butt of his shotgun between his legs, and clenched the barrels with his right hand. He held tightly to the seat rail with his left hand. Holmes, riding in the rear boot, held firmly to his hat and guns. They dodged scratching catclaw and mesquite branches as best they could.

During this excitement the Apache prisoners inside the coach braced themselves and whooped it up. The ex-scouts believed that they had been pun-

ished enough by having served a term in the Ohio state prison for wounding Al Sieber. To think they were being sent to another prison for the same offense was something they did not and never would understand. The fact that they were originally tried in a court which lacked jurisdiction meant nothing to them. They were not responsible for the bobble made in the original court which illegally convicted them. It would not have occurred to them, however, that Sheriff Reynolds was equally innocent of responsibility in that fiasco. That he was merely an officer of the law who carried out the edicts of the court after they had been tried, convicted, and sentenced would have carried no weight in his favor even had they been aware of it.

Undoubtedly, they had been formulating plans of escaping if and when the opportunity presented itself. They had learned that Reynolds carried the keys to their bonds, and they knew just how many guns their guards carried. They also discovered that Holmes was not too active in his movements. They knew that Middleton would have his hands full with the stage when they arrived at the sandy grade where some would have to get out and walk. The ex-scouts had walked over this spot before, when federal officers had them in their custody, but on that trip they were too heavily guarded to attempt an escape. This time it might be different. Once they

were out of the stagecoach into open space, their chances of escape had possibilities. They had declared previously that they would rather die as Nah-deiz-az would than be doomed to die of consumption in the Yuma prison. They were desperate, but Sheriff Reynolds didn't realize it. The terrifying ride did nothing to lessen their desperation. At last Middleton gained control of the horses and they slowed down to a trot and then a walk. The travelers relaxed and sat back in their seats.

The yellow wheels rolled off the final yards, and the bottom of the sandy grade came into view. The horses voluntarily made their customary stop. "Pretty smart horses, Gene," exclaimed Reynolds.

"Sure they're smart, Glenn. They know it's time to lighten the load," the stage driver spoke. "But I don't understand why they were so disturbed when we started this morning."

"Guess they smelled the Apaches and were afraid of 'em," spoke Deputy Holmes from the rear of the stage.

"Maybe you're right, Hunkydory," replied Reynolds, as the two officers climbed down, preparatory to unloading the stage.

"Come on, Avott, you and the six convicts handcuffed in pairs, get out," Sheriff Reynolds ordered in a level, cold voice. "The Apache Kid and Hoscal-te are staying in the stage."

"Are you sure these two Indians in the stage can't get out?" Middleton asked Reynolds. "It's nearly a half-mile to the top of the hill."

"Those fellows are handcuffed and are in shackles. They couldn't break loose from those irons in years unless they got the keys, and I have them," Reynolds assured him. "Pull ahead, Gene—All is well."

As the cold light of dawn broke over the Arizona desert wilds, Middleton looked back and shouted, "Watch those damn Apaches, boys. They strike hard at dawn. An Apache is an Apache, so be careful! I'll wait for you on top of the hill." He gave slack to the reins but not before his hand dropped to his gun belt to assure himself that his own gun was in working order, obviously intending to use it if the convicts made a false move.

Those on foot began the ascent behind the stage, which was soon out of sight when it rounded a bend. Jesus Avott led the group, looking neither to the right nor left, but carefully picking his way along the rut made by the stage wheels. Sheriff Reynolds walked with sure, slow steps behind the Mexican. He allowed what he considered a safe distance to intervene between him and the six Apache convicts who walked behind him. Cautiously, he carried his shotgun, his fingers on the gun's triggers. The piercing cold caused him to button his heavy over-



coat tightly around him, and his Colt .45 was in its holster strapped around his waist under his coat.

A little to one side and to the rear of Sheriff Reynolds came El-cahn and Say-es. Their dark, glowing eyes craftily pierced the early morning light. Directly behind them trudged Has-ten-tu-du-jay and Bi-the-ja-be-tish-to-ce-an, murderers sentenced to life terms, who progressed with bowed heads and mumbled in Apache. Pash-ten-tah and Hale brought up the rear of the prisoners' line of march immediately in front of Holmes.

Holmes walked slower than usual, probably weighted down by his heavy overcoat and guns. The march progressed, but the Apaches stealthily diminished the space separating them from the sheriff and the deputy. El-cahn and Say-es were almost touching Reynolds. The sheriff was guilty of doing a thing that he always warned others not to do, that is, "Never let criminals get behind you."

Suddenly there was a blood-curdling Apache yell and Pash-ten-tah and Hale turned upon Holmes with tiger-like speed. At the same instant, Sheriff Reynolds, apparently realizing the convicts were too close to him, whirled around and was met by the impact of two solid bodies. In one fluid movement El-cahn and Say-es grabbed his arms with free hands, in a close-up frontal attack.

Back at the rear, Pash-ten-tah and Hale kicked

and slugged Holmes until he dropped to the ground. When he landed they literally mashed his head with vicious stomping. Pash-ten-tah seized his rifle and crushed, pounded, and, holding the weapon in one hand, sent a bullet through the battered head. The last earthly track of Hunkydory Holmes, Arizona pioneer and trail-blazer, was made by his life blood on the cold sand of the desert.

In the meantime, Avott, frozen with horror and terror, watched Holmes die and saw Reynolds struggling in the grip of his assailants. His impulse was to attempt to help Reynolds but the move might be misinterpreted and Reynolds might shoot him as an accomplice. In any case he was terrified of the frenzied Apaches. The only alternative was to get up the grade as fast as possible and warn Middleton. He began to run.

Reynolds continued his desperate struggle. He held firmly to his shotgun with his left hand but the closeness of his attackers made it impossible to bring this gun into play. Blind with rage he fought hard to draw his six-shooter from under his buttoned overcoat. With a quick kick the sheriff sent El-cahn to his knees. A second kick landed on the shins of Say-es, who let out an Apache oath, but they did not loosen their grip on Reynolds. They wrapped themselves around him and held on tenaciously until Pash-ten-tah and Hale rushed to their aid.

Pash-ten-tah, carrying Holmes' rifle, stopped short, took accurate aim and fired. Shot through the body, the bloody and battered sheriff fell on the spot where he had so desperately fought for his life. Pash-ten-tah ran his free hand into Reynolds' overcoat pocket and found the keys to the handcuffs, while El-cahn thrust his free hand under the sheriff's overcoat and got his .45. Pash-ten-tah and Hale quickly freed themselves of their handcuffs and tossed the keys to El-cahn and Say-es, who set about unlocking their manacles.

Suddenly Pash-ten-tah spotted young Avott running up the sandy grade. He let out a horrifying Apache yell and bounded after the fleeing Mexican, with Hale screaming at his heels. But Avott was just out of range. The yelling had roused Reynolds and, making a final desperate effort to revive, he got to his knees. El-cahn tossed the manacles aside and, with the sheriff's own .45, fired point blank. The bullet caught Reynolds in the left shoulder and plowed downward. The lifeless form slumped to the ground in a grotesque heap. The next minute, Say-es grabbed the sheriff's shotgun and, holding it close to the dying man's head, pulled both triggers. The charge tore off part of the victim's face. Say-es and El-cahn, mad with lust for white man's blood, blazed into vicious fury. Accenting their slaughter with continuous spine-chilling yells these blood-

thirsty fiends dashed stones against the mangled head of their victim.

During these moments of ghastly carnage, the other two Apaches were actually awed by the fury of their tribesmen. They took no part in the slayings and, fearing for their own lives, had retreated to the side of the road where they had remained silent and watchful.

Now, like fiends drunk with slaughter, Say-es and El-cahn reloaded the shotgun and checked the chambers of the six-shooter. The keys to the irons were in their possession and they ran wildly up the grade, following Pash-ten-tah and Hale toward the stage.

During the ten or fifteen minutes that it took to dispose of the officers, the stagecoach had rounded several curves and made steady progress. Apache Kid and Hos-cal-te sat sullen and moody while their fetters pressed deep on their copper-skinned bodies. Middleton thought he heard muffled reports of guns but believed the officers were merely target shooting. Again and again he glanced back, but not once did he see the figure of a man frantically running toward him. Finally convinced that he heard a voice, he stopped the stage and securely set the brakes. A moment later he saw a lone man approaching. Keenly watching the person who steadily came nearer, Middleton satisfied himself



that it was the Mexican convict. Pointing his gun directly at Avott, he shouted in a loud, commanding voice, "Stop! Stop!"

"Help, *amigo*, help!" screamed the Mexican, ignoring the command and running with terror. Gasping for breath he reached the rear of the stage.

"Get in this stage or I'll blast you!" Middleton ordered.

"*Por amor de Dios*, don't shoot!" screamed the trembling Avott. "Apaches kill Sheriff and Hunky. They come kill me, hide me quick," he pleaded.

"K-killed! Impossible!" exclaimed the stunned Middleton.

Apache Kid overheard the conversation and squirmed in his seat. Without doubt he was the key figure in plotting the escape, and his dream was about to materialize if Middleton could be disposed of. He wanted to tantalize the already terrified Middleton as much as possible, so he let out a war cry and thrust his head out of the stage.

"Get yer damn head back in that stage or I'll shoot it off!" Middleton roared, looking down and pointing his gun at the Indian. "Try and get out and you'll be a dead Apache!"

"Don't shoot! Me sit down! Me lay down—anything! Apache Kid no run away! Me good Indian," he cried out, flopping back in his seat and doing as he was bidden. As far as there is any evidence, offi-



cial or otherwise, this was the last command that Apache Kid took from a white man and these were the last known words he ever spoke to a paleface.

Meanwhile Avott, who had not relaxed for a moment, kept his eyes fixed on the trail behind him. He spotted Pash-ten-tah taking aim with the slain Holmes' rifle. "Look out, Gene!" he screamed. "Apache shoot you!" Instantly, the Mexican turned and dashed through the bushes. The dazed Middleton had barely heard Avott's warning when there was the crack of a rifle and a bullet cut through Middleton's neck and he toppled from the driver's seat to the ground. Near the right front yellow wheel of the new Concord, its owner lay in a pool of blood.

An instant later more shots were fired as Pash-ten-tah cut down on the fleeing Mexican. Bullets whizzed past Avott, who rapidly put distance between himself and the frenzied Apache killer. Increasing his pace, he ran through the brush and over and around rocks until he came to a clump of bushes, where he hid.

By the time Pash-ten-tah got over his anger for not hitting the fleet-footed Avott, Hale, El-cahn, and Say-es reached the stage. During the preceding tense moments Apache Kid and Hos-cal-te, inside the stagecoach, had maintained a neutral silence. The arrival of Hale, El-cahn, and Say-es confirmed

the complete success of the coup and Kid broke the silence with Apache yells. With exultant shouts, the murderers leaped into the stage and quickly liberated Apache Kid and Hos-cal-te. During all this commotion the horses nervously stamped and twisted about, but their tight reins and set wagon-brakes prevented them from taking off.

With wild cries the Indians jumped from the stagecoach. El-cahn drew Reynolds' six-shooter from the belt he had strapped around himself and pointed the weapon toward the prostrate form of Middleton. Apache Kid saw the move and probably recognized the hated Reynolds' gun, for he jerked the .45 from El-cahn's hand and stuck it in his own belt. It can only be supposed that he had considered Middleton already dead and was momentarily engrossed with the triumph of possessing his enemy's own weapon. At any rate, the incident saved Middleton's life.

Apache Kid, Hale, Say-es, Pash-ten-tah, and El-cahn set about robbing the bodies of their victims. Rolling Middleton's body over and over, they took his coats and personal effects. Racing down the road, they came to the mangled body of Sheriff Reynolds. Apache Kid's long, bony fingers reached into the dead man's vest pocket and found the gold watch and chain. He straightened up. Standing in the early morning light, his black eyes flashed with

gratification as he gazed upon the sheep and cattle figures engraved upon the gold case. The crooked W tattooed upon the center of his bronze forehead turned to a dark crimson as deep in color as the blood-soaked sand upon which he stood.



Satisfied, now that he had in his possession the gold watch and chain that he had for so long desired, Apache Kid glanced anxiously at his partners, who, apparently, had paid no attention to their leader's loot. They were busy stuffing their booty into their own ragged pockets. Removing the overcoat from the body of the slain sheriff, he frantically

searched each pocket until he grasped that which he was seeking. From an inner pocket, he took the money pouch containing about \$350. He found the prisoners' commitment papers and took them.

Hale and Pash-ten-tah bent over the body of Holmes and systematically plundered it. With a cry of joy, Hale ran a few yards behind the dead man to where the deputy's cowboy hat lay. Jabbering excitedly, he threw his old straw hat into a cactus patch and donned the new headgear.

Apache Kid missed his Indian brothers and called out in a loud, clear voice, "Has-ten-tu-du-jay, Be-the-ja-be-tish-to-ce-an!" Fearful for their lives, these convicts had kept out of the slaying. However, at the call of Apache Kid, they came from their hideout and joined their tribesmen without complaint, as did Hos-cal-te, who also did not participate. Apache Kid told his fellow criminals that he would lead them back to their homes on the reservation. Seeing the leader's calmness and confidence, and undoubtedly awed by the incredible turn of events, they willingly followed.

Middleton, although suffering untold agony, had not lost consciousness and had only feigned death during the ghastly affair. Convinced at last that the danger had passed, he opened his eyes. The wound in his neck bled profusely and he was getting cold, the escapees having robbed him of his coats. Some-

now he would have to get help. Suddenly he heard footsteps and hopefully forced his head an inch or two out of the bloodsoaked sand. To his horror he saw two of the Apaches directly in front of him and coming toward the stage. He had a shuddering sensation as if every hair on his head stood on end. Lying helpless on the ground, he realized the time had come for him to meet his Maker. He closed his eyes and waited for the end.

To his intense relief the killers passed by him and climbed into the stage. They had dropped the keys to the handcuffs when they freed Apache Kid and Hos-cal-te, and had returned for them in order to free the two Apaches who had retreated to the side when Holmes was attacked. After removing the handcuffs from the bony wrists of the last pair, the eight escapees, led by Apache Kid, scampered away and disappeared from sight into the desert waste.<sup>1</sup> (See Appendix I.)



1. Jesus Avott escaped from the wrath of the Apache vengeance, Middleton lived, and two of the escapees later were taken alive. From statements made by them to newspapers, court officials, and the army, the account of "Riverside Tragedy" was written.





## *The Alarm*

MIDDLETON LAY quite still, unable to believe he had escaped death and the mutilation which was the trademark of an Apache killing. Recounting the grim tale later he said, "I was so sure I was a goner that it was a shock to discover I wasn't! Then's when I knew I had to get back to Riverside if I had to crawl all the way. It's what I'd been spared to do."

He slowly raised his arms and took hold of the yellow wheel spokes, painstakingly pulling himself to his knees. With effort he removed a handkerchief from his pants pocket and tied it around his wound. Breathing heavily, he finally got to his feet and leaned against the coach. Regretfully he eyed the high box of the driver's seat and knew he could never handle the four horses and jolting stage over the hazardous road back to Riverside.

Swaying from side to side, Middleton started down the grade on foot and stopped beside the battered and mutilated body of the slain sheriff. He fought the rush of nausea and somehow kept on his feet. All the old fear and a new hatred of Apaches surged through him with such intensity that it gave him renewed strength.

Staggering onward he came upon Holmes' lifeless bloody body; Holmes, whose dream of striking it rich again had now vanished. Again he felt a strange resurgence of strength. All fear had left him. He stood there by the gruesome thing that had been a man with dreams, and whispered, "Everything is hunkydory for you now, old man." Then (he recounted later), as he stood there, he seemed to hear again Reynolds' final words spoken not more than a half-hour before, "Pull ahead, Gene—All is well." At that moment he knew he could make the four miles to Riverside.

Meanwhile, Avott still hid in brush near the summit. From an elevated position, he sighted the stagecoach standing out against the brown desert. He sensed that the danger of being killed had passed and decided that he should report the incident. It would require hours to walk some thirty miles to Florence, the nearest town to the west. He would do better if he had a horse to ride, and cautiously he made his way down to the stage. Ap-

proaching with utmost stealth he saw that Middleton was gone. Only a large red stain in the sand near the vehicle, and blood spattered on the right front wheel marked the place where he had last seen the stage driver's body. Perplexed but cheered, the Mexican convict (who later received a pardon for his gallant action) swiftly unhooked one of the lead horses and jumped upon his mount. In a matter of seconds he was sitting back on the ground, pitched off. Unfortunately, he had selected the only animal not broken to ride.

As he picked himself up off the ground, he wondered what to do next. Scanning the surrounding hilltops he saw a figure driving horses about a half-mile away. These were saddle horses from the Zellewager Ranch, attended to by Andronico Lorona, the wrangler.

When these frisky range horses scented the stage horses, they neighed, pricked up their ears, and raced down to the stage, where they rubbed noses with the harnessed blacks. Lorona followed his herd and met Avott, who rapidly explained the whole affair. Catching a gentle horse from the herd, Avott mounted it and started for Florence. Lorona returned to the ranch and reported to his foreman, who sent cowboys to the scene to guard the bodies.<sup>1</sup>



1. Before his death, in 1951, Lorona related his role to the author.

Unaware of all this, Middleton continued steadily on his way to Riverside. There were times when he would barely move. When his wound reopened with the movement of his body and the blood gushed out, he stopped the bleeding with pressure of his fingers applied to the injury. Barely able now to put one foot in front of the other he came in sight of the station. He could see the passengers getting into the Globe-bound stage, but he was unable to raise his voice above a whisper..

It was then that the driver, Sayler, stuck his head into the coach to check his load and asked, "Is everyone here? We're ready to pull out."

"No, wait!" responded a passenger, pointing up the Casa Grande road. "There comes someone. Guess he wants to catch this stage."

Sayler looked behind him and his keen eyes recognized the stumbling figure. "Good grief, Gene, what's happened?" he shouted as he ran to meet Middleton.

Staggering into Sayler's arms, Middleton mumbled, "They got us, Shorty! They got us!"

"They got who, Gene?" cried Sayler.

"Those convicts did it! Those murdering Apaches! The dirty devils killed Reynolds and Holmes and thought they killed me!" Middleton gasped as he fell in Sayler's arms.

Passengers carried the wounded man into the

hostelry, put him to bed, bathed and dressed his wound, and watched over him until a doctor could come from Globe, which would be several hours later. With one accord, they had volunteered to remain at the station and care for Middleton while Sayler rode into Globe for help.

Reynolds' own horse, Tex, had been left at Riverside and in a matter of minutes a hostler had him saddled. After a night's rest the powerful and speedy Texas horse was ready for the hard pace Sayler would have to set. The forty-mile route wound over mountains and through rough ground all the way, but by changing mounts at Pioneer he hoped to reach Globe by noon.

Sayler followed the south bank of the Gila River until he came to the crossing. Sure of his mount, he held his feet high in the stirrups and Tex plunged into the swollen river, crossing without mishap. In a brief time he spotted the mail carrier, who was on his way to the station. Reining in, he stopped long enough to shout, "Sheriff Reynolds and Deputy Holmes have just been killed by Apaches and Gene Middleton badly wounded! Better warn the ranchers on your route that eight Apache killers are at large!"

Sayler pressed Tex to the utmost, alternately spurring and talking to him. By mid-morning they had reached Pioneer, the halfway mark. Pulling up



sharply Sayler dismounted and shouted, "Get me a fresh horse! Reynolds and Holmes have been murdered by Apaches!"

As a crowd will appear as if by magic at any street accident, so suddenly nearly everyone in camp gathered round the bringer of this startling news, asking for full particulars. Anxious to get going again, Sayler broke away from the crowd and seized the bridle reins of the fresh horse and started up the long grade that led into the Pinal Mountains. His mount was not the horse that Tex was and he had to stop frequently to rest him. At one such pause, Sayler beheld the beauty and peace of the wooded mountainside so vividly contrasted with the scene in the valley behind him, where carnage had been committed by red men who knew no peace nor any beauty in their association with their white brothers. The horse had ceased blowing, and Sayler spurred him on. They reached Pioneer Pass and started the twelve-mile down-grade stretch to their destination.

As they neared the tollgate the gatekeeper heard the pounding hoofbeats. From past experience in the territory the keeper knew that a rider on horseback approaching at that speed meant some kind of trouble and he ran out to the road. Sayler slid his horse to a stop and told his story in a few terse words. "I'll open the gate, and don't take time to

pay the toll now!" cried the gate attendant, as he swung the gate open.

Holding to his course, Sayler rode hard and fast down Pinal Creek. Rising in his stirrups and shouting in the horse's ear, Sayler urged it to still greater efforts, and the horse gave all it had. Its body was covered with lather, its muscles trembled and it was barely able to stand when Sayler<sup>2</sup> pulled up at the rail in front of the sheriff's office. It was just past



2. Sayler, an uncle of the author's brother-in-law, died in Globe in 1911.



noon when he finished telling Deputy Jerry Ryan the ghastly story as reported by Middleton.

"Those dirty cowards!" cried Ryan. "Glenn and Hunkydory! I can't believe it. I'll get every last one of 'em if it takes me the rest of my life."

Ryan went into action by first notifying Mrs. Reynolds of the tragic affair, after which he notified members of Middleton's family, who quickly left for Riverside with Doctor Largent. He then telegraphed to Captain John L. Bullis, at San Carlos, and to Sheriff Jerry Fryer, at Florence. Since the massacre had occurred in Pinal County, Sheriff Fryer undoubtedly would be charged with spearheading the investigation.

Within a short while a telegram came from Sheriff Fryer stating that Avott had reached Florence and reported the murders and escape of the other prisoners. He told Ryan that a coroner's jury and sheriff's posse were proceeding to Riverside.

Captain Bullis notified Ryan by wire that his troops would be sent into action as soon as orders came through. He also informed Ryan that General Miles had been notified of the slaying of the law officers. Within a few hours a message was received from the General stating that he had informed the adjutant general's office at Washington, D. C., of the reported slaying of Sheriff Reynolds, of Gila County, Arizona, by eight Apache convicts. Thus

the federal government was brought into the case with unprecedented speed.

It must be remembered that this was the year 1889, and the Southwestern frontier still was inclined to regard with wonder the invention of the telegraph. The reckless sending of many telegrams and the miraculously swift replies added to the excitement which already was at a high pitch in Globe. Even grief-stricken Gussie Reynolds acknowledged a momentary thrill when she received a personal telegram from relatives in Texas informing her that a kinsman was setting out for Globe.

The Gila County Board of Supervisors, stung into headlong action, met in special session and issued the following broadside: "On motion it was ordered that the sheriff be authorized and he is thereby directed to offer a reward of fifty dollars, to be paid by the County of Gila for the apprehension of each of the following named Indian convicts, to-wit: Has-ten-tu-du-jay, El-cahn, Hos-cal-te, Kid, Hale, Say-es, Pash-ten-tah, and Bi-the-ja-be-tish-to-ce-an, if arrested alive, or upon duly authenticated evidence of their having been killed by any officer or person attempting such arrest or capture."

The posting of this reward was telegraphed to every post, town, and community in Arizona for newspaper publication. It was an open invitation for all to take part in catching the outlaws.

The adjutant general's office had received General Miles' message. By mid-afternoon of November 2, 1889, and upon request of the Adjutant General, the War Department, with commendable promptitude, notified every military post in central and southern Arizona. Troops from Forts Thomas, Grant, Lowell, McDowell, Apache, Huachuca, and San Carlos were ordered in the field. Sheriff's Deputies Jerry Ryan and Floyd Blevins led a civilian posse to Riverside.

With literally hundreds of military under orders and every civilian in the area alerted, there began the greatest organized manhunt in the history of Arizona Territory.





## *Fugitive Trails*

IN THE COMMANDING officer's headquarters at San Carlos, Captain Bullis briefed his commissioned officers on the manhunt. Less than three weeks before, the San Carlos troops had assisted in the roundup of most of these fugitives. These officers well knew the difficulty they would encounter in tracking down the crafty Indians. Now that they had committed additional and more spectacular crimes and were at large with guns, the soldiers could expect them to be more desperate and more cunning. The San Carlos troops not only knew the eight renegades by sight, but were more or less familiar with their habits, and were, therefore, better equipped for the chase than soldiers from the other forts. Bullis reminded the troops of the vast

stretches of uninhabited land to comb, and warned them not to be over optimistic about an early capture. However, he was confident that diligent maneuvering and scouting on the part of his soldiers would lead eventually to the capture or killing of all eight of the escaped convicts.

Lieutenants Wilder and Hardeman were instructed to take fifty men of Troop G, Fourth Cavalry, and move in the direction of Riverside and to points where the fugitives might possibly be intercepted. Lieutenants Watson and Clark were ordered to take thirty men and watch strategic trails, springs, and camp grounds.

Finally (and indicative of Apache Kid's reputation for strategy), Captain Lewis Johnson was detailed to take sufficient troops and concentrate on capturing Kid. Their destination would be the valley along the San Pedro River, which heads in Mexico. The army believed that this cleverest and wisest of all Apaches might double back toward the upper San Pedro and slink into Mexico, as he knew every inch of this territory, previously having been with expeditions that captured Geronimo.

Meanwhile, Dr. Largent arrived at the bedside of the wounded stage driver at Riverside. He found Middleton extremely ill, with high fever, and only partially conscious. An examination disclosed that a soft lead bullet had ripped a gaping hole in the

lower part of the face and neck, barely missing a vertebrae. Taking every precautionary measure, the doctor had his patient moved to a hospital at Florence, where he eventually recovered, but Middleton always had a stiff neck and wore an ugly scar.

Late in the afternoon on the day of the slaying, a coroner's jury held an inquest and returned the obvious verdict that Sheriff Reynolds and Deputy Holmes were murdered at the hands of Apache convicts. The bodies then were released for removal to Globe for burial.

Just before dark on the same day, Jerry Ryan and his posse arrived at Riverside Station. Sitting in the station room, which, only the night before, had been used as a jail where three men in line of duty had guarded the Apache convicts, the combined posses from Globe and Florence mapped out their plans for the chase.

Early the following morning, the posses, led by Ryan and Sheriff Fryer, of Pinal County, rode to the scene of the killings to pick up a trail, which, by now, was some twenty-four hours old. The first clue found was a pair of blue pants and white drawers which had been taken from Holmes' suitcase. This evidence was placed in a burlap sack carried by Ryan. The next clue discovered was bits of paper strewn along the trail. An examination disclosed these papers to be the prison commitment papers,

that were torn into shreds. Holmes' hat was discovered about seven miles out on the trail. A few miles farther on, the trackers came to a place where a steer had been crudely butchered. A part of the beef had been taken for food, and some of the hide stripped off. The trackers concluded that the fugitives used the hide to wrap around their feet to leave a moccasin type footprint that would be hard to follow. Their wrapped feet also permitted them to cover the ground over cacti and rocks with greater quietness. True to their expectation, the posse picked up peculiar tracks leading away from this spot. Throughout the afternoon the hunters' ceaseless search took them across many miles of desert, and they eventually came to the Gila River and rode up its banks.

Heading into a ranch, the posses were confronted by a man who stepped out of concealment and lowered the rifle with which he had covered their approach. As he dropped the weapon he shouted, "Thank God you're white! I thought 'twas them Apaches come back."

Tired as they were, the men were instantly alert, and Ryan quickly dismounted to get the man's story.

"Yesterday," the rancher began, "the mail carrier told all the ranchers around here about a gang of Apache killers being on the loose, and that they had shot a stage driver and killed two men."

"Yes, yes, we know that. What place is this, and what happened here?" asked Ryan impatiently.

"I ain't the owner of this ranch. It belongs to the Cunninghams," the man replied. "Only it belongs to Mr. Cunningham now, because Mrs. Cunningham is dead. The damn Apaches did it!"

"Did the Cunninghams kill any of them?" asked Ryan.

"Nope, all three got away. Like I was telling you, the mail carrier told about the Indians being in this vicinity, and I reckon Mrs. Cunningham forgot about it when she went into yonder mesquite thicket to gather some firewood. Nothing happened to her until she looked up and saw them Apaches coming toward her. She dropped the wood and ran like all-get-out, yelling, 'Indians! Help! Indians!' By the time her husband ran into the house and got his rifle, Mrs. Cunningham reached the porch and dropped dead."

"Literally scared to death!" exclaimed Ryan.

"Yep," answered the rancher. "Her husband shot at 'em but they were too far away. They ran up the river, and you can still see their funny-lookin' footprints in the sand. Want to see 'em?"

"No, thanks," Sheriff Fryer broke in. "We won't have any trouble tracking them in the sand. It's my hunch those fugitives have split up into small groups and have scattered over this country."



Remounting, Ryan and the officers thanked the stranger for the information and decided to split the posses, the Pinal County unit going back down the Gila River, and the Gila County unit proceeding up the river in the general direction of Dudleyville, where a store was located.

Before Ryan and his men had gone far, clouds gathered, and it began to rain as darkness approached. It was nearly dark and the driving rain had practically obliterated all footprints when the Gila County officers climbed onto higher and rougher ground among the low hills, which were dotted with ranches in the distance. They put up for the night at one of these ranches within two miles of Dudleyville.

During the night, the horses, which were corralled a hundred feet away from where the officers slept, became disturbed. Deputy Sheriff Ryan sat up in bed and listened. "The horses!" he whispered. "I bet those Apaches are up to their old tricks of stealing. By golly, we don't want to be left afoot."

He moved silently to the other men, and after awakening them, each man got in a shooting position while Ryan sneaked toward the corral. The tense silence was broken suddenly by an outburst of laughter when Ryan shouted, "It's a damn skunk!"

Unbeknown to Ryan, Lieutenants Wilder and

Hardeman led their troops toward Dudleyville and pitched camp on the outskirts of the little desert village in a different direction from where Ryan stopped. Dudleyville was located on the San Pedro River, some three miles from its confluence with the Gila.

The possemen were in their saddles at daybreak. Ryan ordered a spread formation and directed each of his five companions to look for signs and head in the general direction of the store, where they would stop for breakfast. Within a couple of hours or so, Ryan rallied his men, and they rode to the settlement and went into conference with Lieutenants Wilder and Hardeman.

"We've had several good clues, but none has materialized in the capture of a single fugitive," Ryan reported.

"They've outsmarted us so far, also," Wilder said, "and now, with this rain, we will have to look for fresh signs."

"We found a fresh trail and hotly pursued them, but they eluded us by taking to the rocks in the foothills around Saddle Mountain," Hardeman explained, pointing northeast to a towering blue mountain in the shape of a saddle.

"Lieutenants Watson and Clark, with their San Carlos soldiers, and troops from Fort Thomas and Fort Apache, who are guarding behind us, have a

good chance of catching them if they move back to the reservation," informed a scout.

"And by now, Captain Johnson should have made contact with troops from Forts Grant and Lowell, moving in from the south," spoke Wilder. "He has orders to catch one in particular."

"Which one of them?" asked Deputy Sheriff Floyd Blevins.

"The Apache Kid," replied the army officer. "Johnson knows that fellow like a book. He's familiar with any trail Kid might take leading into Mexico. Give him time and he'll probably capture that outlaw."

"I hope you're right, Lieutenant," Jerry Ryan said. "I'd like to bring him in myself, but all that matters is that the killers are caught."

"Lieutenant Overton and troops from Fort McDowell should have reached the Pinal Ranch at the west end of the Pinal Mountains by now. They are under orders to guard the passes along the Globe-Silver King Trail," Hardeman told Ryan. "The army has plenty of men in the field, so why don't you civilian officers return to Globe?"

Ryan wondered if it would be right for him to leave the search, but he realized there was great need for him in the sheriff's office at this time. Thanking the army men for their kind consideration, Ryan and his men quit the search.

Night had fallen when the posse rode into Globe. As the tired, unshaven men slipped from their saddles, a crowd quickly gathered. Flanked by people of various races—white, Negro, Chinese, and Indian—the manhunters were besieged with questions about latest developments. They were bitterly disappointed when Ryan notified them that the murderers of Sheriff Reynolds and Deputy Holmes had, so far, eluded capture.

The following day a double funeral was conducted in the Methodist church to pay final respects to the slain officers.<sup>1</sup>

A few days later Ben Reynolds, brother of the late sheriff, arrived to give assistance to his sister-in-law, nephews, and nieces. This was the same brother who came to Arizona two years before, but who went back to Texas without seeing his relatives, because of the confusion caused by the Pleasant Valley War.


Mrs. Reynolds held anything but happy memories of her experiences in Arizona, and she promptly turned her property over to attorney E. H. Cook for liquidation. Accompanied by her brother-in-law

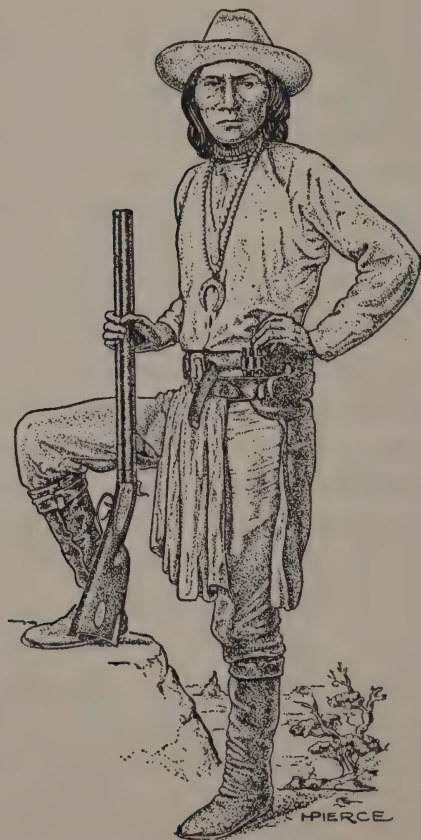


1. The minister used Psalms 90:9-12 as his text. The officers were buried in the Globe cemetery. Sheriff Reynolds was laid to rest alongside his infant son, George, in the Masonic plot. Holmes' grave was not marked, but a marker on the sheriff's grave bears the following inscription:

Glenn Reynolds                      1853 - 1889  
Murdered by Apaches      Nov. 2, 1889

she took her four small children and left immediately for Albany, Texas, where she lived until her death.<sup>2</sup>

 2. Mrs. Reynolds, who died in 1944, never married again. Her sons, Watt and Elmer, died after reaching adulthood, but her daughters are living as of 1954. They are Mrs. Bessie Hollowell, of Albany, Texas, and Mrs. Gussie Carnell, of Post, Texas.







## *What Price Freedom*

JERRY RYAN WAS appointed sheriff to complete the unexpired term of the late Sheriff Reynolds. The army had thrown the full force of its territorial strength into a determined effort to capture eight fugitive Apaches. They had been indefatigable in following every clue and scouting interminable miles of desert and mountain wilderness. Days passed into weeks and, despite the extent of the search and the rewards offered, the army reported no progress toward their apprehension. The Apaches had made a clean getaway from Riverside and all trails had led but to confusion of the hunters. Ryan realized that the military was doing its best, but these Indians had been Reynolds' prisoners and as Reynolds' successor in office he felt it was his re-

sponsibility to recapture them. Besides, Reynolds and Holmes were his friends and he had not forgotten his vow to avenge their cruel deaths. Searching his mind for possible leads it occurred to him that if he could locate Reynolds' watch it would be a tangible clue to work on. Accordingly, on November 23, he ran the following advertisement in the *Arizona Silver Belt*, Globe's weekly newspaper:

### REWARD!

I will pay a liberal reward for the return of the watch worn by Sheriff Glenn Reynolds at the time he was killed by Indian convicts, near Riverside, on the 2nd inst. The watch case is of heavy gold, handsomely cased, and engraved on the front and outside with the letters "G. R." in monogram. On the inside case, both front and back the full name, "Glenn Reynolds" was engraved. Attached to the watch was a massive gold chain of deck links. Any information that will lead to the recovery of either or both will be paid for by me.

Jerry Ryan  
Sheriff, Gila County, Globe

Nah-deiz-az, the condemned Apache, sat sad and lonely in his dimly-lighted cell and heard carpenters building a scaffold outside the jail. Then

came Christmas and the sheriff's thoughts were diverted from the pursuit of fugitive Apaches. For the Irish-born young sheriff the Yuletide was normally a season when his native good spirits were at their genial best. But this Christmas of 1889 was a peculiarly grim one for him. With the other responsibilities of the office, Ryan had inherited the duty of taking a man's life in the name of justice—a man toward whom he felt no personal animus and whose sentence to death by hanging had been strangely disquieting to his predecessor in office.

Unlike the conventional method of hanging, where the condemned person stood on a trapdoor and plunged downward, this Apache would be stood on the ground and jerked upward by a bar of copper bullion weighing some three hundred pounds.

The date of execution set by the late Sheriff Reynolds was at hand. The deathwatch was relieved of his post when Sheriff Ryan entered the cell to read the death warrant as required by law. The officers and executioner then led Nah-deiz-az from the squalid cell where he had been held for 193 days. The condemned man walked with a kind of dignity, and, unflinchingly, stood calm beneath the gallows while Ryan adjusted the noose. To the crowd of army men, law officers, and general public who had gathered to watch the hanging of the killer of Lieu-

tenant Mott, the execution was far uglier than they had expected. The Apache glanced over the crowd, then flashed his black, beady eyes on the sheriff.

"Good-bye, Nah-deiz-az!" bade Sheriff Ryan, shaking the Indian's hand as the noose and black cap were adjusted by a deputy.

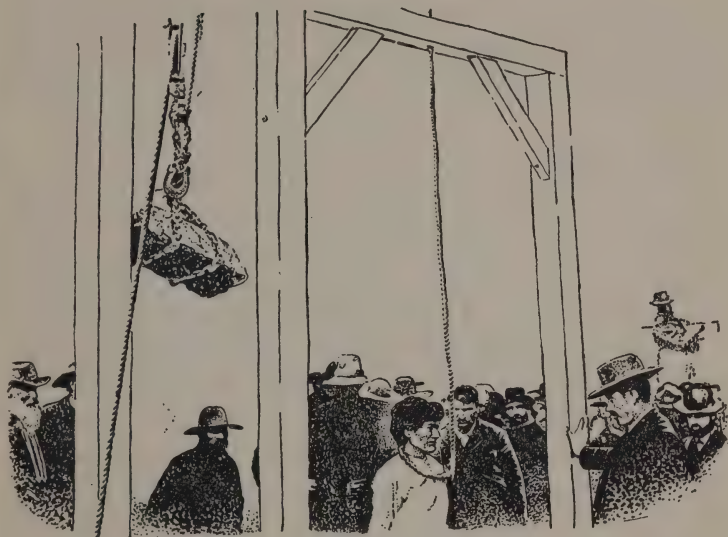
"Good-bye Hell!" he responded quietly but distinctly.

The executioner's axe severed the rope controlling the weight, letting the copper bar drop to the ground. There was a swishing sound as Nah-deiz-az's body was jerked aloft to the gallow's top. A miscalculation of slack in the hanging rope permitted the body to go too high. Instead of being raised three or four feet from the ground to dance the last spasmodic jig of death in midair, it crashed into the crossbar atop the scaffold, badly crushing the skull. There was a gasp of horror from among the spectators. Ryan stood as if frozen until a bystander's voice recalled him. "What did the Indian mean when he said, 'Good-bye Hell'? Those were strange departing words."

"He meant just what he said," answered the sheriff contritely. "His associations with the white men had been nothing but hell for him. He was telling us good-bye and going to the Happy Hunting Ground, partner."

Sheriff Ryan executed the final requirement of

legal procedure by returning the death warrant to the court of Judge Joseph H. Kibbey, with an attached affidavit stating that on the 27th day of December, 1889, at 9:12 A.M., he hanged Nah-deiz-az



Execution of Nah-deiz-az. Sheriff Jerry Ryan stands bareheaded

according to the provisions of the law of Arizona Territory concerning executions.

The following account of the execution of Nah-deiz-az was copied from the files of the *Arizona Silver Belt*, Miami, Arizona, under date of December 28, 1889. Information furnished by W. W. Kookan, present editor.



## EXPIATED HIS CRIME NAH-DEIZ-AZ, THE MURDERER OF LIEUT. MOTT, HANGED

The first legal execution in Gila county took place in the jail yard at Globe on Friday morning Dec. 27th, in the presence of an assemblage of citizens invited to witness the lugubrious event. No criminal ever merited death more than Nah-deiz-az, whose crime was wanton, his victim Lieut. Seward Mott, having done nothing to incur his hatred.

The scaffold had been erected and rigged two days previous to the hanging, and the rope thoroughly tested. The rope was passed over two pulleys at the top of the gallows frame, and to the opposite end from the noose was attached a bar of copper bullion securely suspended in mid air by a stout rope, which when cut precipitated the weight and jerked the victim upwards, answering the same purpose as the drop.

The day dawned cloudy and dismal and a few drops of rain fell at intervals. Father J. Monfort, from Florence, and Rev. N. F. Norton, of the Globe M. E. Church, were present early to offer religious consolation, but it was indifferently received by the culprit. In fact Nah-deiz-az seemed perfectly insensible to his impending fate and everything happening around him. The stolidity of the Indian is proverbial, and certainly Nah-deiz-az did not belie his race.

The crowd of spectators began to congregate early, and at the appointed time, 8 o'clock, everything was in readiness for the execution, except the reading of the death warrant performed by a deputy sheriff (interpreted by the Indian, Constant Bread) which consumed

half an hour. That duty accomplished, the services of J. C. Lundy was obtained to cut the shackles from his ankles. When his feet were freed, Nah-deiz-az danced with evident satisfaction. The doomed man then bid good bye to the Indian fellow prisoners in the jail, but refused to see his father, which was the only evidence of trepidation shown by Nah-deiz-az, he fearing, no doubt, that the interview would unnerve him. While the shackles were being cut from his limbs, he affected pain, then looked up and laughed.

At a few minutes before 9 o'clock Sheriff Ryan led the prisoner (who walked with a firm step) out into the jail yard and to the gallows. A few minutes were allowed for Father Monfort to offer a prayer, and a crucifix was suspended upon the victim's breast to illumine the way to eternity. Deputy Charles Miller tightened the straps upon his limbs, adjusted the noose, drew the black cap over his face and Nah-deiz-az had taken his last look of earth. Sheriff Ryan bid him good-bye, when he replied, "Good-bye hell!"

Immediately after the noose had been adjusted, Sheriff Ryan gave the word at 9 o'clock and three minutes. Deputy D. A. Reynolds, with one blow of the axe, severed the rope which held the weight suspended, and Nah-deiz-az shot upward to the top of the gallows frame and the recoil left the body suspended in the air. A twitching of his fingers, a slight contraction of the limbs and tremor of the body, and all was over. In seven minutes Dr. Largent pronounced life extinct and ten minutes thereafter the body was taken down, placed in a coffin and buried alongside of Curtis B. Hawley and Lafayette Grimes who were lynched in Globe, August

24th, 1882, for the murder of Andy Hall, express messenger, and Dr. W. F. Vail.

The crime for which Nah-deiz-az suffered the death penalty was the murder of Lieut. Seward Mott on the San Carlos Reservation the 10th of March, 1887. The reason assigned for the commission of the crime was that Nah-deiz-az became dissatisfied with the allotment of farming land. Lieut. Mott, a native of Bouckville, N. Y., was a young man of great promise, who had graduated at West Point in the fall of 1886 and been assigned to Company D, 10th Cavalry, stationed at San Carlos.

Additional excerpts from the *Arizona Silver Belt*, Dec. 28, 1889, relative to the hanging of Nah-deiz-az.

Capt. S. L. Woodward, with 44 men from I Troop, 10th Cavalry, assigned to be present in Globe during the hanging of the Indian, Nah-deiz-az, arrived from San Carlos on Thursday last, and will remain until Tuesday of next week.

The driver of the San Carlos and Globe stage reports that he was stopped on the trail yesterday by an Indian, the uncle of Nah-deiz-az, who asked if the latter had been hung yet, and warned the stage driver not to travel the trail any longer.

Since the execution of the Apache in Globe, we have learned that the Indians of the reservation are not concerned regarding his fate. His immediate relatives may, however, for a brief period, miss his presence from the family circle.

Days passed into weeks, and weeks passed into months, and by the latter part of February, 1890, nearly four months after the Riverside tragedy, Sheriff Ryan had received no response to his reward offered for Reynolds' watch; and on March 4, the Secretary of War received a telegram from Captain John L. Bullis, of San Carlos, stating that the eight Apaches who had slain Sheriff Reynolds were still at large.

From the day the Apache prisoners had made their murderous break for freedom it is certain that they had no illusions about the enormity of their crime and the fate that awaited them if they were caught. Even though three of them had taken no actual part in the murders they had obeyed Apache Kid's commands to follow him in the escape and were, therefore, held responsible in the white man's judgment.

They were wise enough to know that now, as never before in their renegade lives, all the cunning and craftiness they could command were necessary to elude capture. Always they must travel downwind so that no scent would betray them to dogs or horses. Often a military detachment or civilian posse was so close that a dry twig cracking or the brittle swish of dry branches could have betrayed them. In spite of the cold of winter they were forced to seek cover in high elevations and travel over

rocky sandstone formations where no footprints would register.

While they continued to travel together, the stolen guns and ammunition supplied them with wild game and cattle for food, and herbs and roots added to a plentiful diet. But the ammunition would not last forever. Nor could they endure indefinitely the lack of salt, sugar, flour, and coffee to which life on the reservation had accustomed them.

After a time, too, some of them must have begun to feel the raw hunger for companionship of their squaws and the stark loneliness of hunted men, with prices on their heads to tempt even their own kind. It was an amazing exhibition of leadership that Apache Kid displayed in holding them together for so many months. But eventually, and inevitably, each fugitive began to think only of himself and his own predicament. The solidarity—and the safety—of the group was broken when the feeling of each-man-for-himself emerged. Their freedom was beginning to exact its toll.

The authorities did not know it, of course, but at that moment the manhunters had their first break, for without the superior strategy of Apache Kid to direct them the odds for eluding capture were against the other seven.





## *Continued Story*

IN MARCH, 1890, Globe was the center of another flurry of excitement precipitated by the Apache murder of a white freighter named Fred Herbert, who was ambushed enroute to Globe with a load of goods for local merchants. The episode is germane to the story of Apache vengeance only in the impetus it gave to the flagging interest of the army in pursuing the elusive Kid and his followers.

Five Apaches were involved in the murder of Herbert, and the San Carlos military post struck swiftly. The following story of the chase and capture is reprinted from the *Arizona Silver Belt* of March 15, 1899. In the same issue appeared the note of thanks and the story of the reception given the army officers involved.

## AVENGED!

The Apaches Who Murdered Herbert Run Down  
Two Killed and Three Captured

It is a great satisfaction to record that for once retribution, swift and sure, has overtaken Apache murderers—a tribe whose history is written in the blood of settlers on the southwestern frontier. Two of the Indians implicated in the killing of the freighter, Herbert, have paid with their lives the penalty for their crime, while the remaining three are prisoners, and presumably, in irons in the Graham county jail at Solomonville.

About the hour of noon on Saturday last Lieut. J. W. Watson of San Carlos and Lieut. Clarke, 10th cavalry, from Fort Thomas, with a detachment of scouts and troops, and who started in pursuit of the renegades above mentioned on the previous Monday, arrived in Globe from the north, bringing with them as prisoners three of the fugitives, whom they committed temporarily to the keeping of the deputy sheriff of Gila county. All of the party was in a dilapidated condition, evidencing the hard service they had seen.

Taking up the trail where Herbert was killed, 12 hours after the murderers had fled, Lieut. Watson and command followed them over some of the roughest mountain country in Arizona, never halting while there was sufficient light for the trailers to proceed. The renegades, five in number—two mounted on the horses of the man they had killed, and three on foot—took a northerly course in the direction of Fort Apache, striking at once into the Gila range of mountains and selecting

the most difficult trails. At night they would ascend to the highest peak or elevation near them and build no fires except when they stopped to partake of food during the day.

Lieut. Watson's trailers, chief among whom was "Dowdy," followed with wonderful celerity, exhibiting a wonderful determination to run down the assassins. The chase continued north for several days, thence west, passing four miles north of McMillen and on to Salt river, three miles north of Roggenstroth's ranch, where on Friday the 7th inst., about 1 o'clock p. m., in a rocky canyon, the scouts and troops came upon the fugitives and a fight followed.

After the first exchange of shots the renegades fortified themselves behind rocks and made a determined fight, lasting four hours, and surrendered only after one of their number had been killed, one mortally wounded, and another disabled by a shot through the arm. The attacking party suffered no casualties, which must be attributed to bad marksmanship upon the part of the renegades, who had the advantage of position, although only three were armed with guns.

The successful termination of the pursuit is owing chiefly to the experience and determination of Lieut. Watson and the faithfulness of the scouts. In fact, had it not been for the admirable performance of the trailers, especially Dowdy, capture of the renegades would have been impossible. They were all San Carlos Apaches, four belonging to Kin-de-lay's band and one to Chil-chu-a-na.<sup>1</sup>



1. In May, 1890, these accused Indians were tried and convicted at Solomonville, Arizona. El-chus-choose was sentenced to hang; In-dees-doo-day was sentenced for life; and Nas-good got fifteen years in prison.

The troops, with their prisoners, left Globe on Sunday morning, and the latter were taken on the following day from San Carlos to Solomonville, where they will remain in jail awaiting indictment and trial.

### NOTE OF THANKS

Headquarters Alexander Post No. 6,  
G. A. R., Department of Arizona.

Globe, A. T., March 15, 1890.

The comrades of this post tender to Lieutenants Watson and Clarke and their commands, a vote of thanks for the promptness with which they captured the Indians who committed the crime of murder of the freighter, on the road from Camp Thomas to San Carlos, on the 2nd day of the present month.

P. Stanley, Commander.

James Wiley, Post Adjutant.

### A PLEASANT EVENT

The universal appreciation entertained by the citizens of Globe of the good work accomplished by Lieuts. J. W. Watson and Powhatan Clarke and Sergeant Daniels in the killing and capture of the Indians who engaged in the unprovoked murder of George<sup>2</sup> Herbert, found expression in a party and supper given to those officers last Saturday evening. Although sufficient time was not afforded for any elaborate preparation, yet the event was none the less enjoyable for being unpreten-



2. This was an error in the *Silver Belt*. The name should have been Fred.

tious. The gathering at the courthouse, where the dance took place, was large and included many of our representative people, who tendered the officers a generous welcome and warmly congratulated them upon their successful chase.

After having danced to their heart's content, the assemblage repaired to Tie Sang's restaurant, where an inviting collation was spread, enhanced by wine and, after the inner man had been refreshed, the party grew jovial, toasts to the guests and other toasts befitting the occasion were drunk and responded to, which greatly enlivened the hour.

Although the propriety of entertaining at a dance, officers who had been on a six-day ride, attended by peculiar hardship, may be open to question, yet the gentlemen accepted the hospitality tendered them with good grace, and, apparently, extracted as much enjoyment from the occasion as did anyone participating.

Sheriff Ryan shrewdly decided that while the afterglow of this singular tribute was still pleasantly permeating the post was a propitious time to prod the army into renewing the effort to capture the slayers of Reynolds and Holmes. Accordingly, on May first, he rode out to San Carlos and, as he had hoped, found the officers more than willing to be nudged into action.

There was no question in anybody's mind that many Apaches had seen or had talked with the fugitives during the six months since their escape, but



who they were was largely a matter of speculation, for no Apache, so far, had been induced to talk. The army was confident that at least one former scout, known as Josh, knew where some of the eight convicts were hiding. He had been implicated with the other scouts in the shooting of Al Sieber, and might very well have done the actual shooting but the grand jury had failed to indict him. Calling Josh into headquarters, Ryan and the officers hinted that the authorities were by no means satisfied with his testimony in the Al Sieber affair and suggested that it would be wise for him to co-operate with them in locating the fugitives. Although the unsavory fellow's fear of Apache Kid could have been only a shade less than his fear of the white man, the latter won and he admitted that four of the convicts—Pash-ten-tah, Hale, Bi-the-ja-be-tish-to-ce-an, and Has-ten-tu-du-jay had been seen in the Ash Flat country.

Committed to betrayal by this admission, Josh readily agreed to lead the officers to the hideout. Followed by Lieutenant Watson, Sheriff Ryan, and a detachment of troops, Josh struck the trail. His method of trailing was singular and his instinct played as great a part as keen sight. Once on a trail he was as hard to shake off as a bloodhound. After two days of tracking and scouting, he led the group to where fresh signs showed that the fleeing Apaches

had separated, two in each group. The troops halted and Watson ordered detachments to circle the trails and cut back in front of the fugitives while others were commanded to follow the trails to prevent escape from the rear.

The fugitives realized by now that their own cunning was being matched. Yard by yard, the troopers cut down the distance between them and the hostiles. Tough though they were, these outlaws began to show signs of fear, and soon, in stark terror, they began to run. Two were pursued closer than the others. Looking back they saw the troops advancing upon them. Then blasts came from the pursuers' rifles. Without waiting for the smoke to clear and reveal the result of their attack, Josh rushed forward and recognized Hale and Pash-ten-tah lying dead on the ground. The trail was ended for the vicious and cruel Pash-ten-tah.

Fate turned thumbs down on Bi-the-ja-be-tish-to-ce-an and Has-ten-tu-du-jay, just as they felt safe. The undergrowth was thick enough to afford good, but by no means perfect, concealment. Slowly and with more care they slid forward through the underbrush. Gradually the soldiers pushed them from the rear, but Sheriff Ryan and his men had cut in to the front. All they had to do was hide themselves and wait. The fugitives had no thought at all of danger ahead. They watched the back trail for

sight of soldiers and walked straight into the trap. Finally, apparently sensing they were trapped, they swerved sharply and stopped at a hundred yards from the men up ahead, who drew their rifles. After eluding hundreds of troopers and scores of civilian officers for over six months, they had at last walked into range of deadly rifle fire. The first volley of bullets swiftly sent them to their deaths.

Graves were dug for the victims, but before the bodies were put away, Josh took out his knife and severed Pash-ten-tah's head from the body and put it in a gunnysack. When the troops returned to San Carlos, Josh boldly laid his trophy on a board and put it on public exhibition.

On May 14, 1890, Sheriff Ryan paid \$200 to the commanding officer at San Carlos for distribution to the parties entitled to the reward for the killing of the four escaped convicts. Upon paying these rewards, Ryan considered his job only half done. He believed that the other four escapees, Say-es, El-cahn, Apache Kid, and Hos-cal-te, eventually would hear about the bloody affair at Ash Flat and would be more secretive than ever. The wily Irish sheriff figured that weeks, months, or years might pass before all were accounted for, unless officers got a tip from the Indians themselves, as in the case of Josh's betrayal of the Ash Flat hideout.

Sheriff Ryan had had the satisfaction of helping

to account for four of the outlaws but he was not destined to finish the job he had vowed to do. On the following June first he and Mrs. Ryan, the former Mary Gleason, who had married Ryan only a few weeks before, were enjoying a day's outing with friends at Pascoe Lake. Sixteen-year-old Mary Frush and her teen-age companion were thrown into the lake when their canoe overturned some distance from shore. The boy was rescued but Jerry Ryan lost his life in a vain attempt to rescue Mary.

Another sheriff had to be named, the third one necessary to complete the two-year term, 1889 and 1890. The choice of the County Board of Supervisors was J. H. Thompson.

Born in Bell County, Texas, in 1860, Thompson came to Arizona in 1881, first taking up a cattle ranch under the Mogollon Rim and thereby getting the nickname of Rimrock Henry. By occupation he was a cattleman, prospector, real estate dealer, and law officer. Serving as sheriff for eight terms at intervals from 1890 to 1912, he was the senior sheriff of territorial Arizona. No other sheriff came near his record. He took respites from office during the late 1890's and ventured into mining, going as far as Alaska during the gold rush.

As a sheriff he was uncompromising and relentless. White outlaws hated him and Apache renegades feared him. Evidence and testimony pre-

sented by him in court were usually incontestable, and he was instrumental in the conviction of a large number of both white and Indian criminals, many of whom were sentenced to death. There is nothing in his record, however, that indicates he was ever motivated by bias or personal animus. He was kind to his prisoners and considerate of their personal comfort. It is to his credit, too, that in a frontier territory where men were prone to mete out a speedy justice without "due process," none of Thompson's prisoners ever suffered mob violence. When on the trail of a suspect, Thompson stayed with it until he gained his objective, once trailing into Canada to catch a swindler and again into Texas to get a horse thief.

With his appointment to succeed Sheriff Ryan, Thompson's main objective was to finish the job Ryan had not lived to accomplish. Catching the four remaining fugitives from the Riverside tragedy became an obsession with Thompson.

By this time, practically every crime that was committed, from horse-theft to murder, was promptly attributed to Apache Kid. White renegades of the period took advantage of Kid's vulnerable position and deliberately left Indian sign at the scene of their own depredations. Thompson uncovered many of these nefarious operations and accounted for the conviction of a number of white



law breakers in his relentless pursuit of any clue that might lead him to Apache Kid.

The new sheriff's confidence in his ultimate success was bolstered by his handling of his first big case, in July, 1890—the apprehension and conviction of four Apaches charged with the murder of Edward Baker, a rancher who lived near the ranch house of the late Sheriff Reynolds, in the Sierra Ancha Mountains. (See Appendix III.) His prospects were good, for now the rigors of their dearly-bought “freedom” had driven all the remaining fugitives except Apache Kid himself into territory dangerously close to their enemies.

Say-es, El-cahn, and Hos-cal-te had hidden in the rough Mescal Creek area. Mescal Creek is a tributary of the Gila River, flowing into the main channel from the west about twenty miles below San Carlos. By early September, Hos-cal-te's hunger and the strain of being hunted had outweighed his caution and he had settled down quietly with his squaw in a village of other Apache families.

On the morning of September 20, Hos-cal-te squatted just inside the entrance of his wickiup and watched Say-es and El-cahn approach his father-in-law's wickiup. Say-es still carried the six-shooter he had taken from Hunkydory's body. Hos-cal-te saw his father-in-law walk slowly toward the fugitives. Say-es brandished the gun and demanded

food. The old man recognized the two outlaws and answered, in Apache, "No! No food in village for bad Indians with gun."

Tensely Hos-cal-te watched his former comrades. Say-es swaggered up to the old man and looked at the registration number tattooed on his forehead, "SB9." Say-es would know that was the reservation number of Hos-cal-te's father-in-law. He saw savage scorn distort Say-es's features and the next instant his father-in-law crumpled and fell. Say-es had shot him through the heart at point-blank range.

Pandemonium broke in the little village. Children ran to their mothers; squaws and bucks dashed here and there; and food in abundance was brought to the despised visitors.

Hos-cal-te, trained from infancy to scent danger, knew he had now lost his last sanctuary. He slipped away from the camp and struck a well-marked trail. At last he reached the open clearing. The large adobe buildings of San Carlos military post were dazzling white in the brilliant Arizona sun. He ran into the office of Captain Lewis Johnson and poured out his story of the killing of his father-in-law. Extending his arms, he said, "Me hide no more—want 'em handcuffs." Johnson responded with alacrity and placed him in the guardhouse.

Troops were dispatched promptly and sur-

rounded the little Indian village. Say-es and El-cahn stood their ground and fought it out with the soldiers. El-cahn, being unarmed, was killed in short order. Say-es soon ran out of ammunition. Completely hemmed in and with a severe gunshot wound in his arm, his only choice was to surrender.

On September 20, 1890, Say-es and Hos-cal-te were turned over to Sheriff Thompson. Say-es now had two counts of murder against him, one for killing Sheriff Reynolds and the other for killing SB9. Since the charge of killing Sheriff Reynolds was more severe, Thompson decided to turn him over to Pinal County authorities for prosecution.<sup>3</sup> Because Hos-cal-te took no actual part in the slaying of the Gila County officers and had aided in the capture of El-cahn and Say-es, no new charge was filed against him, but he would be used as a material witness against Say-es.

Gila County fulfilled its obligation by paying \$150 (\$50 each for the capture of the three fugitives) to the commanding officer of San Carlos post for distribution to those entitled to the reward. The rewards for Apache Kid and Ma-si now were the only ones unclaimed.

About a month after his capture, Say-es was indicted by a grand jury in Florence for the murder



3. Reynolds was slain in Pinal County, so Gila County lacked jurisdiction in this matter.

of Glenn Reynolds. Arraigned before Judge Kibbey—the same Judge who had presided at the mass trial in Globe—Say-es entered a plea of not guilty.

On the appointed hour Judge Kibbey entered the courtroom and opened court. Hos-cal-te testified that the defendant was the person who liberated him from his bonds in the stagecoach. He described the robbing of the stage and the bodies of the officers, and related his experiences as a fugitive.

Jesus Avott, under oath, described the trip from Globe and pictured the events surrounding the Riverside tragedy. He identified the defendant as one of the two who held Sheriff Reynolds while Hale and Pash-ten-tah advanced with a rifle and shot the sheriff.

Eugene Middleton, from the witness stand, said that the defendant was a member of a group of Apache convicts who walked behind the stagecoach when Reynolds was killed. He further declared that Say-es was in the party who gathered round the stagecoach and liberated Apache Kid and Hos-cal-te and then robbed him as he lay on the ground.<sup>4</sup>



4. Middleton didn't operate a stage line much longer after the Riverside tragedy. However, he did operate the Riverside station in the early 1890's before he again established his residence in Globe, where he married Elvira Borquez, a Spaniard, on December 20, 1894. They had no children. He was highly successful in numerous business ventures, with most of his income derived from an apartment house which still bears his name. On April 24, 1929, he complained of feeling ill, then went into

The defense offered no testimony. The jury listened to arguments of counsel and heard the instructions from the bench. Without deliberation, the jury returned a verdict of guilty as charged.

It was nine o'clock on Saturday morning, October 18, 1890, that Say-es stood before the bar of justice and heard Judge Kibbey sentence him to life imprisonment in the Yuma prison. The next morning, under escort of two armed and vigilant guards, Say-es and Hos-cal-te were once more on their way over the fateful road to Yuma. This time they arrived and were locked up in a humid, rock-walled cell bearing the felicitous number, 13.

It lacked but a few days of being a year since the Riverside tragedy. Although the manhunt had fluctuated in intensity it never had ceased and the fugitive Apaches had suffered all the miseries of outlaws condemned to endless vigilance and privation. Seven of them now were accounted for; only Apache Kid, ex-scout, renegade suspect for every unsolved crime in the territory, remained at large with an aggregate reward on his head which was soon to reach the unprecedented amount of \$6,000.

The Report of the San Carlos Agency, dated



his bathroom to shave and dropped dead. A coroner's jury returned a verdict that his death was brought about by unknown natural causes. He was sixty-eight years of age.

Mrs. Middleton died in Phoenix, Arizona, in 1953, and it has been reported that her estate amounted to a considerable sum.



October 29, 1890, to the Commissioner of Indian Affairs mentions the number of Apache renegades who had gone on the warpath at various times since 1886. The report closed with the following comment, "Happily, however, owing to the energetic efforts of the troops, sixteen of the murderers have either been killed or captured or have surrendered, so by now Kid and Ma-si are the only bad Indians 'not accounted for.' "



## *Apache Kid*

ROBBERY, MURDER, kidnaping, and theft of horses and cattle continued on the San Carlos Reservation. A government report revealed that a renegade Indian surprised a party of four women about ten miles south of the agency in the mountains. After some talk, he shot one dead, slightly wounded one of two others who ran away, and took with him a younger woman and child. The trail of the abductor was picked up and followed by troops at a rapid gait for sixty miles, then it was lost in numberless cattle tracks. This and similar crimes and depredations could have been committed by either Apache Kid or Ma-si, who periodically were reported seen in the area. Their culpability in these cases remains today in the realm of speculation.

Apache Kid was reported as being seen in other places, once at an Indian camp on Cibecue Creek, as is evidenced by the following, reprinted from an issue of the *Arizona Silver Belt*, in 1893.

### THE KID

The ubiquitous "Kid," for whom there is a standing reward of \$5,000 for his capture alive or dead, revealed his presence on the San Carlos reservation about six miles from the Agency, at or near the hot spring, on Monday evening last, and appropriated the youngest wife of Tonto Bill, Tag A, 35, and immediately left, but whither, is the question.

Children nearby say they know the Kid and are not mistaken as to his identity. They report him armed with a Winchester, with two belts of cartridges and a pair of new drawers strapped to his person, which he said he bought in Globe. He also was equipped with field glasses.

Troops of cavalry scouted the area for days, but no one could verify his being present in this vicinity. The military were diligent in running down all such rumors of Kid's presence here and there but the results invariably were the same—no tangible clue, no actual proof. An unclaimed reward of \$50 still was on his head. While this was no sizeable amount, identical rewards for each of his seven accomplices were enough to add zest to the manhunt that eventually had brought them death or capture.

For some three years after Apache Kid's escape,

the territory was harassed by murders committed along trails and at ranches, despite the fact that all known "bad Indians," except Kid and Ma-si, were dead or safely locked in the rock-hewn cells of Yuma prison. These crimes too were popularly credited to Apache Kid, but again there was no proof. They were all of the kind and in the *modus operandi* of white renegades who were known to have capitalized on the white man's habit of yelling "Apache!" whenever a particularly fiendish crime was committed. But the citizenry was obsessed with the belief that Kid was responsible for the reign of terror. Hoping to arouse the public to greater efforts to capture him, the Board of Supervisors of Gila County posted the following reward, dated November 22, 1892.

"On motion it is ordered that the Sheriff of Gila County be and he is hereby authorized to offer a reward of \$500 for the arrest and conviction of the Kid, an Indian, and further that said reward hereby offered, be paid upon satisfactory evidence that the Kid has been killed, providing it is not expedient to capture him alive, the reward to be paid to the party killing him, upon presentation of proper proof thereof."

The following February, the Territory of Arizona took unprecedented action by passing the following law:

AN ACT OFFERING A REWARD FOR THE RENE-  
GADE KNOWN AS THE KID—BE IT ENACTED  
BY THE LEGISLATIVE ASSEMBLY OF ARIZONA.

Section I. That the Governor of this Territory is hereby authorized to offer a reward of Five Thousand Dollars (\$5,000.00) for the capture, dead or alive, of an Apache Indian outlaw and murderer, known and designated the Kid!

Section II. This Act shall take effect and be in force from and after its passage. Approved February 27, 1893.

The law was sponsored by Mr. George W. P. Hunt, Gila County's territorial representative, who lived in Globe.<sup>1</sup> It is the only instance on record of the offer of a reward for the capture of a named criminal having been enacted into law. In addition



1. Hunt later was elected governor of Arizona for seven terms, thus establishing a national record. He died in Phoenix in 1934, and is entombed in a white, pyramid-shaped vault atop a knoll in Papago park just east of Phoenix, between Phoenix and Tempe.

Gila County school children, including Apaches attending the government school at San Carlos, donated \$350 and bought a beautiful bronze plaque in honor of Governor Hunt. The memorial, which is mounted in a public place in Globe, was unveiled in 1948, with Mr. Mulford Winsor, Director of the Arizona Library and Archives, making the principal address. The idea of this historical project originated with the county school superintendent and author of this book.



to these rewards, Graham County also offered a liberal reward for Apache Kid.

Following the wane of official bounty posting, various newspapers throughout the territory carried sensational accounts of Kid's alleged crimes, and editors starred their own columns with outpourings of the editorial mind. In *Globe*, A. H. Hackney, editor of the *Arizona Silver Belt* (see Appendix VIII), put in his bit. Editorially speaking, Hackney said:

### THE KID

There seems to be in certain quarters a prejudice against the "Kid," a man "whose skin is not colored like our own." The Kid is a high priced Indian. The Territory wants him dead or alive. The counties of Gila and Graham also want him caged or in a coffin and will pay liberally for the privilege of hanging him, or gazing upon his cold, moist body before death's effacing fingers have marred the face beyond recognition, in order that \$6,000 might not be paid for the remains of some other Indian than the Kid.

As an evidence of the value placed upon his retirement, the district court of Gila county, October 30th, 1889, adjudged that the Territorial prison should be his abode for the

term of seven years, but he willed otherwise and he and his accomplices in crime, while on their way to that reformatory institution resolved upon liberty or death, and preconcerted action achieved their freedom by killing Sheriff Reynolds and William A. Holmes, Nov. 2, same year, or three days after the stern decree of Judge Kibbey. Five of the Kid's lovely companions are faded and gone down to dusty death. Two wear regulation stripes; the Kid, the only one at large, is on the run, driven hither and thither from his favorite haunts, realizing no brightness in terrestrial paths. He is no longer "monarch of all he surveys." His days are numbered and it is hoped that before many moons have waxed and waned, he will become food for the worms.

Hackney may have hoped to crystallize public opinion against Apache Kid, for it was known that he felt that Kid had sympathizers who were willing to harbor, aid, and comfort him. This probably was true, for, even today, there are those who believe that Apache Kid was misjudged and that the white man was morally responsible for his criminal actions.

The rewards for Kid's apprehension now totaled

more than \$6,000—a figure highly flattering to an Indian ex-scout, had Kid been in a position to regard it in that light. It was a sum calculated to strain the loyalty of any befriender of the outlaw—if such there were—and to induce a frenzy of covetousness in every greedy renegade in the territory. It wasn't even necessary to produce his body as evidence of death to collect the money. Just an affidavit of his being killed would suffice. Placards blazoned the rewards in practically every public place in Arizona. Nearly every citizen, at this time, carried some type of gun, and the territory was heavily occupied by soldiers. There was no doubt in anyone's mind that Kid's luck had run out. His capture or proof of his death was expected daily.

As days and weeks stretched into months and on into years and no one claimed the reward (and the notable distinction) for Apache Kid's apprehension, rumors and surmises became epidemic. Of such circumstantial grist are legends milled. The "true" accounts of Kid's exploits and death are so numerous and diverse that he stands in peril of becoming a legendary figure.



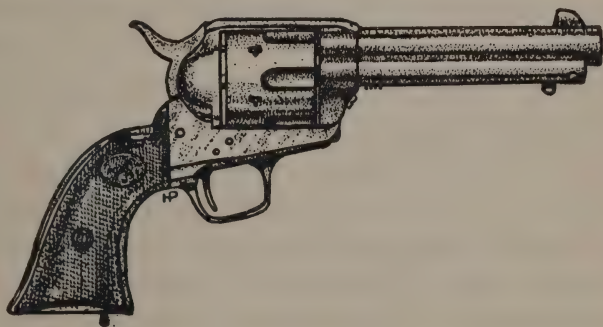
## *Whereabouts Unknown*

NO ACCOUNT OF Kid's death can be any more than speculation, but to one who knows the Apache nature and who has talked with many persons who were close to the Riverside tragedy the most acceptable theory of Kid's end is the one predicated on the few known facts and the circumstantial evidence in the recovery of Sheriff Reynolds' watch and Colt .45.

Apache Kid had succeeded in eluding Captain Lewis Johnson and his crack troops of the Sixth Cavalry, who were given the specific assignment of catching him, immediately after the Riverside tragedy, and, after six months of intensive hunting, Johnson reported to headquarters in Washington that, in his opinion, Kid had escaped into Mexico,

where he was familiar with the terrain and acquainted with the people. All things considered, Captain Johnson probably was right.

Ma-si was the only notorious Apache renegade who was the peer of Apache Kid in cunning. His Homeric odyssey, from the point of his escape from the prison train back to his native Arizona, remains today without parallel. It is a matter of record that Indian scouts did report seeing Kid and Ma-si to-



gether at various times after the Riverside tragedy. Therefore it is not a far-fetched deduction that these two Apache fugitives teamed up and headed for Mexico. The assumption is strengthened by the story told by two squaws who claimed to have been abducted by them. The squaws had foraged for food and supplies and kept the outlaws informed on the progress of the manhunt.

According to their story, it was they who had brought back to Kid and Ma-si news of the betrayal



by Josh and the subsequent ambush at Ash Flats. During the night following their report of this disquieting news and while the squaws were pretending to be asleep (so their story goes) Kid and Ma-si stealthily saddled their horses and quietly rode off southward toward the Mescal Mountains. The squaws both spoke of Apache Kid's possession of a gold watch and chain, a money pouch, and a six-shooter. There is no reason to doubt the story and, since it conforms to other known facts and patterns, good reason exists to accept it. From there on, however, what happened to Kid and Ma-si is conjecture.

Having crossed the Mescal Mountains, their trail led downhill toward the south. Traveling along narrow ravines through the highlands they would have come to the low desert country through which the Gila River flowed. Leaving the Gila, they would have followed the San Pedro River. The International Boundary Line presented unexpected difficulties. It so happened that Mexican troops were nearby, by order of President Porfirio Diaz.

Diaz believed the United States was not complying with Section XI of the Treaty of Peace of 1848, between the Republic of Mexico and the United States, which stated:

"Considering that a great part of the territories, which, by the present treaty, are to be compre-

hended for the future within the limits of the United States, is now occupied by savage tribes who will hereafter be under the exclusive control of the government of the United States, and whose incursions upon the territory of Mexico would be prejudicial in extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensoever this may be necessary; and that when they can not be prevented they shall be punished by the said government and satisfaction for the same shall be exacted all in the same way, and with equal diligence and energy, as if the incursions were meditated or committed within its own territory, against its own citizens."

Diaz was too busy with internal affairs of his own ship of state, to engage in diplomatic see-saw about the nuisances created by citizens and wards of his northern neighbors within his own land, so he placed General Emilio Kosterlitsky and his Rurales, crack custom guards, on the northern border under strict orders to guard it.

Toward the end of May, 1890, Kosterlitsky and his mounted guards maneuvered along the International Boundary in the Mexican state of Sonora. In May of any year this Southwest desert is ablaze with color. Blue bonnets and crimson Indian paint-brush; orange, red, yellow, pink, and white flowers

of the varieties of cacti in prodigal profusion, topped by the scarlet-tipped ocotillo, beside the yellow lace of the palo verde. Here and there the waxen purity of the Lord's candles (yucca) lend their singular charm like a special blessing upon the desert in bloom.

So it must have been May in 1890, when the Rurales made camp on this Mexican desert. Ironically the splendor of the scene was to be violated with the most bloody, dramatic, and sensational incident found in this section during the hectic 1880's and 1890's.

General Kosterlitsky instructed his guards to keep a close watch for smugglers, fugitives, renegades, and criminals and to shoot to kill, if necessary. As the main body of Rurales sat at their camp eating dinner under the shade of palo verde and mesquite two of their sentinels guarded atop a hill some half-mile to the north. They had dogs with them, which were used for the specific purpose of trailing fugitives.

The dogs scented something and slipped away from their masters, running across a canyon and climbing up a hill just north from where the look-outs were stationed. Ascending almost to the summit, the sly dogs located strange figures and began barking. The sentinels heard a sharp, cracking report and saw one of the dogs somersault then crash

to the ground. They threw themselves prone on the ground and were stunned by the realization that armed Apaches had entrenched themselves among the rocks on the hillside. Crawling a few paces to where his horse was tied, one of the sentries mounted and raced to camp and reported.

Led by General Kosterlitsky, the Rurales rode at full gallop to where the other sentinel waited. Pointing to a rocky embankment atop the next hill, where the barking dogs had taken cover in the brush, the sentinel assured the guards that the Apaches had not left the spot.

Leading his men, General Kosterlitsky cautiously advanced toward the dogs. The Rurales now dismounted and started encircling the rocky knoll. As yet the Indians had not shown themselves, but at this instant one of them fired. The Rurales, sticking close to the ground, opened a steady fire. An enemy cocked his rifle, prepared to shoot it out, but a Mexican bullet cut him down. Another Indian's hat leaped from his head and he toppled over dead. In rapid succession two shots from a .45 found their marks in Mexican Rurales, but the position of the killer was spotted and a volley of shots from the Rurales poured in on the ambushed Apache. There was no answering fire from the Indian stronghold. The encounter had cost the lives of three Apaches, two Rurales, and a dog.

Kosterlitsky bent over the body of the Apache near whose outflung hand was a Colt .45. Beginning the usual routine search of the dead man's clothing, the General was amazed to find a gold watch and chain. He called an aide and the two of them examined the watch, carefully noting its details. On one side of the closed case were engraved cattle; on the other side were sheep. Pressing the stem of the watch, the lid flew open exposing the dial face and the inside of the cover, upon which was an inscription in English, "Glenn Reynolds, Albany, Texas, 1884."

Handing the watch to one of his officers for safe keeping, the General searched the dead man further. From a pocket he removed a leather pouch containing American currency.

The name "Glenn Reynolds" on the watch meant nothing to Kosterlitsky at the time, nor did he identify the dead Indians then or later. Renegade Apaches with stolen property they were attempting to smuggle across the boundary line were common occurrences in his patrol of the border and the General regarded this case as just another encounter in line of duty. The officer simply packaged the watch, chain, money pouch, and Colt .45 and sent them to the Mexican secretary of the treasury at Mexico, D. F., along with his brief report of the border incident.



Whether Apache Kid and Ma-si were actually two of the three Indians killed by Kosterlitsky's Rurales in this encounter can never be known, but one is persuaded to believe that either the dead Indian on whose body Kosterlitsky found Sheriff Reynolds' personal property was Apache Kid or else the unnamed Indian had come into possession of those articles by first killing Kid himself, for assuredly Apache Kid would never have parted with those coveted possessions while he lived.

With commendable regard for protocol, the Mexican secretary of the treasury sent the recovered articles to the Mexican foreign minister, who notified the American minister to Mexico, who informed the secretary of state in Washington, D. C., who relayed the information to the governor of Arizona. The governor then notified Mrs. Reynolds' attorney, Mr. E. H. Cook, at Globe.

The watch and chain reached Globe on or about June 11, 1890, some ten days after the death of Sheriff Jerry Ryan, and the reward he offered for the return of the articles was not paid. The Mexican government undoubtedly would not have allowed the Rurales to accept any reward for services rendered in an official capacity of this nature.

At long last her husband's watch, chain, and gun were sent to Mrs. Reynolds, at Albany, Texas. They had traveled far since that November day when

Apache Kid took them from the mutilated body of his enemy, but precisely *where* they had traveled and by *whose death* it was that they made the full circuit to their rightful inheritor no one will ever know.

If one chooses, some significance may be attached to the fact that Kid's true name was Haskay-bay-nay-ntayl, which in Apache means "he is brave—he is tall—he will come to a mysterious end." In the records of the Gila County courthouse, at Globe, the last official entry in the case of Apache Kid still stands—"whereabouts unknown."



## Appendices

### I

PERHAPS THE most widely read account of the slaying of the Gila County officers at Riverside is William Macleod Raine's story, *Taming the Frontier*.

Raine's story is full of inaccuracies. He missed the time of the incident by three years, placing it in 1892. The brave and courageous Middleton got no credit in Raine's story, as the author called him "Livingston." He related the murder of Sheriff Glenn Reynolds and Hunkydory Holmes as having been committed by Kid and five other Indians who had been sentenced to life terms at Yuma. Actually there were seven other Indians besides Kid, and their sentences varied from seven years to life. Apache Kid had nothing to do with the direct killing of either officer. Raine further states:

"Six months later the five companions of the 'Kid' were captured. They were tried and condemned. The time approached for their execution, and the deathwatch sat within six feet of them day in and day out. . . . In the morning the deathwatch discovered that three of them had taken off their breech cloths and strangled themselves without a sound. The other two had lain in front of them and shielded them from the eyes of the guards. The last two were hanged six hours later."

This fabricated story contains sensationalism, but it isn't nearly as sensational, dramatic, or colorful as the truth. The documented account as presented in following chapters prove that none of Kid's accomplices ever strangled himself or was hanged.

## II

JOE CHISHOLM has written an account of Apache Kid,<sup>1</sup> in which he goes into detail about John Slaughter, ex-sheriff of Cochise County, Arizona, and Captain Benton, retired army officer, going into Mexico after Apache Kid. According to Chisholm, the aggregate rewards for Apache Kid reached a total of more than \$15,000, offered by the Mexican government, the territories of Arizona and New Mexico, numerous Arizona counties, and individuals.

Slaughter and Benton, according to Chisholm, followed Kid for days under adverse conditions until an encounter took place. Kid died after four bullets entered his chest, any one of which could have been fatal. The time mentioned was about 1894.

This version of Apache Kid's killing might or might not be true. Since the Mexican government had a reward for the notorious outlaw, as asserted by Chisholm, it appears that Mexican officials would have been glad to have known of the killing. It would seem that Slaughter, a prominent Arizona citizen, would have revealed this information to his people and relieved the suspense and tension that had gripped them for so many years. Further,



1. Joe Chisholm, *Brewery Gulch*, The Naylor Co., San Antonio, Texas, 1949. Published posthumously.



those large official rewards would be hard for anyone to pass up regardless of the place and circumstances of Kid's death. The reason Slaughter and Benton did not collect the reward, according to Chisholm, is because an ex-sheriff and ex-army officer were not permitted to sashay across into Mexico to attend to the cases of those they figured were in need of killing.

Another popular, but unofficial, version of Apache Kid's demise is that he was killed by Jack (Walapai) Clark, a scout. One writer<sup>2</sup> states that the notorious Apache Kid was killed by Clark about 1893 or 1894 in the Santa Catalina Mountains, north of Tucson.

Arizona law officers placed no faith in this story and Clark never claimed the rewards. At a later date, Forrest more or less apologized for the statement and came out with an entirely new version. He collaborated with Edwin B. Hill in writing another story about Kid, in which the authors said that Apache Kid did not die in Arizona at the hands of Walapai Clark, for it was known positively that he lived to reach the safety of the Sierra Madre, in Mexico.<sup>3</sup>



2. Earle R. Forrest, *Arizona's Dark and Bloody Ground*, Caxton Printers Ltd., Caldwell, Idaho, 1936.

3. Earle R. Forrest and Edwin B. Hill, *The Lone War Trail of Apache Kid*, Trail's End Publishers, Pasadena, Calif., 1947.

At the time of their writing, these authors didn't know what became of Apache Kid. They said that he might be dead or he might still live at his ranch in the fastnesses of the friendly Sierra Madre, that gave him a haven half a century ago. In mentioning the possibility that the Kid still lived, they called attention to the fact that he would have been past eighty years of age. They told of a visit Kid was alleged to have made to friends on the San Carlos Reservation. According to them, the Kid's friends delayed telling of the visit until the outlaw was safely back in Mexico. The date of this reported visit was about the year 1935. If he did come back, he couldn't have found the spot where Reynolds and Ryan captured him, or the San Carlos that he knew. These spots were obliterated by water impounded by the gigantic Coolidge Dam. If he visited friends living in or near the agency, he went to the new San Carlos located at a place formerly called Rice. It is highly improbable (but admittedly not impossible) that Kid made such a visit.

Another version of his end is that several years after he took up the life of a criminal, Apache Kid was in hiding with his squaw near Mammoth, Arizona. He was growing weak, and, with death approaching, he liberated this squaw instead of killing her as had been his custom. This story attributes his death to consumption. It is the least appealing

of the many stories of the end of so colorful a character as Apache Kid.

Still another interesting account came from Jimmy Stevens, now deceased, half-breed Apache and white, who lived on the San Carlos Reservation at the time of the Al Sieber-Apache Kid fracas. For a number of years preceding his death, Stevens lived at Douglas, Arizona, on the International Boundary Line.

The story as Stevens told it, recounts the experience of a Mexican who lived in the mountains of Mexico, as the Mexican related it to Stevens. The Mexican's cornfield had been plundered and tracks of crudely improvised moccasins were left by the thief. For the next few days the Mexican had kept a sharp watch on his fields and one day fired at what appeared to be a skulking figure. Upon investigation, he discovered he had killed an Apache Indian who bore a small crooked "W" tattoo on the forehead. Apache Kid wore a similar mark. There was no particular reason for Stevens or the Mexican to have fabricated this story, so the incident probably occurred as reported; but was the dead Indian Apache Kid? Nobody knows.

Scores of other tales have been told and thousands of words written about Kid's death, but none was ever accepted as official and the rewards offered

by Arizona Territory stood open until statehood in 1912.

The following letters were written about the recovery of the watch and chain. The only error in this scrupulously correct procedure lay in the unfortunate assumption on someone's part that Glenn Reynolds was sheriff of Tucson instead of Globe.

Mexico, May 20th, 1890

Mr. Minister:

I have the honor herewith to transmit to your Excellency copy of communications which the Secretary of the Treasury has addressed to me, that in an encounter had by some of the Customs Guards with Apache Indians the former recovered various articles, among which was a gold watch and its chain, the property of the Sheriff of Tucson, Arizona. Said watch is in this Department subject to Your Excellency's orders, so you may send for it whenever you desire.

I renew to Your Excellency the declaration of my eminent regard.

M. Asperoz

Secretary, Mexican Foreign Office  
Legation of the United States  
Mexico, May 23, 1890

Sir:

I am in receipt of Your Excellency's esteemed note of the 20th inst., informing me that a gold watch and its chain, the property of Sheriff of Tucson, Arizona, which was recovered in a recent encounter had by Mexican Customs Guards with some Apache Indians, is now in Your Department, subject to this Legation's orders.

I beg that Your Excellency will kindly cause said watch and chain to be delivered to bearer and that you will be pleased to accept this note as a receipt therefor.

Thanking Your Excellency for the kindly courtesy shown in the matter, I take pleasure in reiterating the assurance of my highest considerations of friendly esteem.

Thos. Ryan



Legation of United States  
Mexico, May 23, 1890

To the Hon. James G. Blaine  
Washington, D. C.

Sir:

I have the honor to forward to the Department at Washington in today's mailpouch, a gold watch and chain delivered to this Legation by the Mexican Foreign Office, with the information that it is the property of the Sheriff of Tucson, Arizona, which was recovered in an encounter had by Mexican Customs guards with some Apache Indians. The Mexican Government with characteristic kindness and courtesy has taken this method of returning this property to the owner. Upon the interior case is the inscription: Glenn Reynolds, Albany, Texas, June 10th, 1884.

Copies of the correspondence relative thereto is herewith transmitted.

I am, Sir, very respectfully

Thos. Ryan

Department of State  
Washington, June 2, 1890

The Hon. Lewis Wolfley  
Governor of Arizona  
Phoenix

Sir:

I have the honor to transmit a copy of a dispatch from our Minister in Mexico, regarding a gold watch, the property of Mr. Glenn Reynolds, late Sheriff of Tucson, Arizona, which has been recovered by Mexican Customs Guards from Apaches. The watch will be forwarded to you by express for delivery to the rightful owner.

As the Mexican Government would be glad, no doubt, to be apprised of its receipt, I trust that such acknowledgement may be made by the recipient through your office as seems proper. I will forward the same to our Minister.

I have the honor to be, Sir, your obedient servant,

James G. Blaine

Territory of Arizona  
Executive Department  
Phoenix, June 9th, 1890

E. H. Cook, Esq.  
Atty. at Law  
Globe, Ariz.

Sir:

I have the honor to advise you that I have this day received from the State Department, Washington, a watch and gun—property of the late Glenn Reynolds and the same will be forwarded by Express to your address tomorrow for delivery to the rightful owner. I also send to you (enclosed herewith) the correspondence between United States and Mexican Authorities—and letter from Secretary of State The Hon. James G. Blaine transmitting the same and advising of the sending of the watch and gun. Please have the kindness to cause a proper receipt to be signed and executed and sent to me for transmission through the State Dep't. to the Mexican Government.

Yours Respy  
Lewis Wolfley  
Governor

## III

S. S. PATTERSON, a rancher who lived nearby, reported to Sheriff Thompson that Edward Baker had been murdered, whereupon Thompson telegraphed Al Sieber, who took troops and scouts to Cibecue with the idea of picking up the trail of the fugitives.

Investigating the premises of Baker, Thompson surmised the motive for the crime was robbery, especially to steal a new rifle which Baker was known to possess and which was missing. The house had been ransacked also. In the yard, the sheriff found blood, parts of fingers, and scattered dynamite caps, which led him to believe that one of the culprits had found the caps, which Baker had in the house, and, not knowing what they were, became careless and pinched one and it exploded.

Following blood stains along the trail and looking for a person with part of a hand missing, Thompson, Patterson, and Deputy Sheriff Bill Voris pressed on for days into Apache country. Eventually, the sheriff's posse converged with the forces of Al Sieber. The wounded Indian was located and arrested and implicated three others who also were taken into custody.

Sieber identified the suspects as being Coyotero Apaches, a name given this particular band by the

army for their habit of eating coyotes. They were Bat-dish, Bok-el-cli, Lupe, and Nat-tsin.

The Indians were taken to Globe and went to trial in October, 1890, before Judge Kibbey. J. D. McCabe prosecuted the case, and his son, Percy McCabe, was retained as the defense attorney. The defendants were convicted and sentenced to the Yuma prison for life and were confined in cell number 9. They appealed their case to the territorial supreme court, but the high court sustained the trial court.

Within a short time Bat-dish, who really killed Baker, died of consumption. The other three, fearful of a like fate, wanted to get out of prison and began talking about a rich gold deposit. "There was so much gold," they said, "that white men could actually make bullets of gold."

These rumors got back to Globe, where a group of men got "all excited." Pressure was put on Territorial Governor A. M. McCord for a full pardon for these Indians, which was granted in 1897. A whole regiment of prospectors followed the Indians for weeks to get sight of the gold, but none was ever found. Many people believed that the Indians' story was just a hoax to get out of prison.



## IV

THE FOLLOWING is a copy of the indictment of Ma-si, case No. 122, in the district court, second judicial district, Territory of Arizona for the murder of Sabino Quiroz.

In the  
District Court, Second Judicial District,  
Territory of Arizona, in and for the County of  
Gila

Term, A. D. 1889

Territory of Arizona

vs

Ma-si

Ma-si, a Chiricahua Indian, accused by the grand jury of the County of Gila, Territory of Arizona, duly empanelled and sworn, by this indictment, of the crime of murder committed as follows: The said Ma-si did on or about the 10th day of April, A.D., 1889, and before the finding of this indictment, at the County of Gila, Territory of Arizona, did, wilfully, unlawfully and feloniously, deliberately, premeditately and with malice aforethought, in and upon Sabino Quiroz then and there being, make an assault, and then and there feloniously, willfully, deliberately, premeditately and with malice aforethought, a certain gun loaded

with gunpowder and leaden bullets and by him the said Ma-si had and held, did discharge at, towards upon and against him, the said Sabino Quiroz and in the manner aforesaid with gun aforesaid, charged as aforesaid and discharged as aforesaid and thereby did mortally wound and kill the said Sabino Quiroz. And so the grand jurors, upon their oath say that said Ma-si in the manner and form aforesaid, did feloniously, willfully, premeditatedly and with malice aforethought kill and murder him the said Sabino Quiroz all of which is contrary to the statute in such case made and provided, and against the peace, and dignity of the Territory of Arizona.

J. D. McCabe  
District Attorney

Witnesses examined :

Edward Shanley  
William Shanley  
Glenn Reynolds  
Joe Guarena

Dated October 20, 1889  
Patrick Shanley  
Luther Thomas Harris  
Jerry Ryan

## V

A STATEMENT of what eventually became of all the men involved in the Riverside tragedy.

Sheriff Glenn Reynolds, killed November 2, 1889.

Deputy W. A. (Hunkydory) Holmes, killed November 2, 1889.

Eugene Middleton, stagecoach driver, died at Globe, Arizona, in 1929, of unknown natural causes.

Jesus Avott, no definite record, probably dead of this date (1954).

Pash-ten-tah, killed by the army at Ash Flat in May, 1890.

Hale, killed by the army at Ash Flat in May, 1890.

Has-ten-tu-du-jay, killed by the army at Ash Flat in May, 1890.

Bi-the-ja-be-tish-to-ce-an, killed by the army at Ash Flat in May, 1890.

El-cahn, killed by the army near San Carlos in September, 1890.

Say-es, died of consumption in cell 13, Yuma prison, March 29, 1894.

Hos-cal-te, died of consumption in cell 13, Yuma prison, April 1, 1894.

Apache Kid, whereabouts unknown.

## VI

ENGLISH TRANSLATION of the names of the eight  
Apache escapees :

Has-ten-tu-du-jay—The Old Man

Bi-the-ja-be-tish-to-ce-an—Blue Stone

Pash-ten-tah—His Head Underlying

Hale—Mexican (strongly aspirated h)

El-cahn—Fingernail

Say-es—Disappearing

Hos-cal-te—Stepping

Has-kay-bay-nay-ntayl—(Apache Kid) brave and  
tall and will come to a mysterious end

## VII

THE FOLLOWING is "Hunkydory" composed by W. A. (Hunkydory) Holmes, which he sang to the tune of "Limerick Races," and from which he derived his nickname of "Hunkydory."

Mr. Holmes ate at a boarding house where the manager kept a parrot. Every time Holmes came to eat, the parrot shouted, "Hooray for Hunkydory!"

## HUNKYDORY

Oh, I am a jolly miner lad,  
Resolved to see some fun sir,  
To satisfy my mind  
To Phoenix town I came sir  
Oh, what a pretty place  
And what a charming city  
Where the boys they are so gay  
And the squaws they are so pretty

## Chorus

Ma sha ring a ding a da,  
Sha ring a ding a dadi oh,  
Sha ring a ding a da  
And hooray for Hunkydory

Oh, there are fiddlers playing Jake,  
And boys and squaws are dancing,  
All strapped upon their fines  
Around the rooms are prancing  
Some are drinking whiskey punch



Whilst others buck at monte  
Hooray for Phoenix town  
In Maricopa County!

## Chorus

Oh, when a greenhorn comes to town  
And into Monte's bank we get him;  
No sooner is he there  
Than his money he is betting  
He loses every time he bets,  
And the banker, in his glory,  
Cries out very loud  
Oh, boy! I'm Hunkydory

## Chorus

Oh, the farmers they're all right  
Whilst in the water digging,  
And the merchants in the shade  
The whiskey they are swigging;  
But when the crop is off  
The merchants in their glory,  
For it's then that grain goes up  
And they are hunkydory!

## Chorus

Oh, when a man is poor  
His relations all but shun him,  
And if he owes a bill  
His creditors will dun him;  
But let him make a strike—  
Then it's quite a different story,  
For then they'll crowd around  
To see him hunkydory.

## Chorus

## VIII

HACKNEY WAS born in Pennsylvania in 1815 and started his newspaper career early in life. He covered the news of the killing of Joseph Smith, Mormon leader, for the *St. Louis Post Dispatch*. His next move westward was to Silver City, New Mexico, where he published a newspaper. He left Silver City and hauled his press in a wagon direct to Globe, where he established the *Arizona Silver Belt* in 1878. The following, reprinted from an 1891 issue of the *Arizona Silver Belt*, indicates that Hackney was not a lover of music.

The oldest editor in the southwest is Judge Hackney of the *Arizona Silver Belt*. He is 76 years old. He is a veteran in the service and deserves a whole handful of complimentary tickets right next to the brass band in the new Jerusalem.—Los Angeles Express.

If obliged to sit near the band the old gentleman would prefer going down to the other place and taking his chances with the stokers.—New Orleans Picayune.

If, under the rules governing the "new Jerusalem," cotton is not permissible in the ears, the senior of the Belt would prefer the position of a stoker in the place known by a multiplicate of names; by the Saxons, Hell; in the Hebrew, Sheol; by the Greeks, Hades; but having no election in the premises, he has schooled himself to take his medicine without a why or a wherefore.

During his later years he managed his business from a wheel chair. He died in Globe in 1899.

## IX

THE FOLLOWING, reprinted from the *Arizona Silver Belt*, is an example of the many tales and legends surrounding Geronimo and other colorful western figures:

The Socorro (N. M.) Bullion claims that Geronimo is not an Indian; that he was born in La Joya, of poor but honest parents. His father, a noted fiddler, was named Jose Luis Peralta and was well known in Socorro county, where giving music at fandangoes was his charge as well as bread and butter. Geronimo did not live to man's estate under the paternal wing. His biographer, Professor Longuemare, says when by 13 years of age as he, his mother and two sisters were returning from Manzana to Socorro they were taken prisoners by Navajoes. Some years after their capture Geronimo was separated from his mother and sisters, and sold to the Apaches, with whom he has since remained and has taken rank second only to Nacha, the chief of the Chiricahuas—because of his refined cruelty, ferocity and cunning. Nana, a left bower of Nacha, was also once a resident of Socorro, and tenant of Candelario Garcia. Notwithstanding the professor disclaims (sic) Indian lineage for Geronimo, we must be allowed to think otherwise. We have seen Geronimo many times and failed to recognize the cuavity (sic) of manner so marked in the Castilian race. To us he seemed "all injun" and a good deal of him.



